

Agenda

Environmental Protection Commission

June 17, 1996

10:00 AM

Izaak Walton League Bldg., 8400 No. Harrison, Davenport, Iowa

The Commission will tour a number of sites on Tuesday,
June 18, leaving from the Heartland Inn at 8 a.m.

Public Participation

10:30 A.M.

Agenda topics

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| 1. | Approve Agenda | |
| 2. | Approve Minutes of May 20, 1996 | |
| 3. | Director's Report | Larry Wilson (Information) |
| 4. | Monthly Financial Status Report | Stan Kuhn (Information) |
| 5. | Final Rule--Chapter 214, Household Hazardous Materials Program | Teresa Hay (Decision) |
| 6. | Monthly Reports | Allan Stokes (Information) |
| 7. | Section 319 Nonpoint Source Pollution Control Project Contract - Iowa Farm Bureau Federation | Allan Stokes (Decision) |
| 8. | 1997 Laboratory Certification Agreement with University of Iowa | Allan Stokes (Decision) |
| 9. | Air Quality Agreement with UNI Air Emissions Assistance Program | Allan Stokes (Decision) |
| 10. | Contract Amendment for Computer Based Filing System for AQ Operating Permits | Allan Stokes (Decision) |
| 11. | Final Rule--Chapter 65.18(1), Manure Management Plans for Expanded Animal Feeding Operations | Allan Stokes (Decision) |
| 12. | Notice of Intended Action--Chapter 65, 68, and 121, Navigable Waters and Manure Application | Allan Stokes (Decision) |

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| 13. | Notice of Intended Action--Chapter 53, Protected Water Sources | Allan Stokes (Decision) |
| 14. | Termination of Prior Notice of Intended Action, Emergency Rule Adoption and New Notice of Intended Action, Amendments to Chapter 135, RBCA Rules | Allan Stokes (Decision) |
| 15. | UHL Contract Amendment - Assessment of Nonpoint Source Pollution Impacts Using Bioassessment Techniques | Allan Stokes (Decision) |
| 16. | General Discussion | |
| 17. | Address Items for Next Meeting | |

**Next
Meeting
Dates**

July 15, 1996

August 19, 1996

September 16, 1996

ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 17, 1996

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
DANNY VEST	GRONMARK	Bloomington, IL
WILLIAM SHORE	Environmental Consultant	Davenport, IA
Kristie Hirschman	CA/O	Des Moines
Barbara Hirschman	-	-
Amy Christensen	Sullivan & Ward	Des Moines
EUGENE MANNLEIN	C.S.M.	ANN ARBOR
Cathy Woollums	MidAmerican Energy Co.	Davenport
DACK L. HILL	LONG GROVE, IODA	LONG GROVE
JERRY FLEABLE	BIRP	WATERLOO
Kathy Morris	Scott Area Solid Waste Mgmt Comm.	Davenport
Scott Young	Bryan Cave	Free Press City
Chuck Haller	Rockwell	Cedar Rapids
DeRay Stollenberg	EPPA	Davenport
Bill Bechtman	Environmental Educators & Consultants	Huxley
Bryce Harthorn	Deere & Company	Moline, IL & Bettendorf, IA

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EPC Minutes
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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JUNE 17, 1996

IZAACK WALTON LEAGUE BUILDING
8400 NORTH HARRISON
DAVENPORT, IOWA

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MEETING

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, June 17, 1996, in the Izaak Walton League Building, Davenport, Iowa.

MEMBERS PRESENT

Verlon Britt
Kathryn Draeger
Rozanne King, Chair
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe, Vice-Chair
Terrance Townsend

MEMBERS ABSENT

William Ehm

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Terrance Townsend asked to add discussion of the Construction Permitting Process under General Discussion

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Terrance Townsend to approve the meeting minutes of May 20, 1996, as presented. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, noted that he and his staff have been holding public meetings around the state to discuss department programs and receive public input as well as any other issues the public would like to discuss. He related that some of those meetings will be held in Davenport, Muscatine and Mt. Pleasant on Wednesday and Thursday of this week, and in the Cedar Falls/Waterloo and Vinton areas later this month.

Director Wilson stated that he suggested to Dave Lyons, Director of DED, that the EPC and DED Commissions have a joint informal meeting sometime in the future, and he believes it is set for November on the EPC Commission's normal meeting date.

Director Wilson noted that Scott Young who worked on the UST-TAC Committee to help develop the RBCA rules is present and will be asked to present a joint report on those rules later in the meeting. He related that it is a very complex set of rules and he would like staff to provide the Commission with educational sessions in the EPC meetings for the next several months.

Commissioner Recognition

Director Wilson stated that when a Commissioner leaves the position of Chairperson they are recognized for the service they have performed and Charlotte Mohr served as Chair from May 1989-1991. He related that he neglected to present her with a plaque at that time and if anyone deserves a plaque, it is Charlotte Mohr. He expressed belated thanks and recognition to Commissioner Mohr for a job very well done.

Commissioner Mohr commented that it has been 15 wonderful years serving on the Commission and she hopes that through the Commission's work and dedication the environment in Iowa is a little cleaner.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Larry Wilson, Director, presented the following item.

Accompanying this item is the YTD May 31, 1996 division-level expenditure status report. Staff will be present and will respond to questions regarding related fiscal matters.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 5/31/96	YTD Actual 5/31/96	Under (Over)
PERS SERV	1,004,589	1,038,827	916,245	848,001	68,244
PERS TRV IN	41,546	54,282	45,217	26,080	19,137
STATE VEHICL	4,535	7,431	6,837	3,773	3,064
DEPRECIATION	7,860	12,640	11,629	7,525	4,104
PERS TRV OUT	10,438	9,500	7,914	9,347	(1,434)
OFF SUPPLY	71,747	76,600	63,808	71,584	(7,776)
FAC MAINT SU	34	31,000	25,823	2,052	23,771
EQUIP MAINT	4,166	6,850	5,706	2,423	3,283
OTHER SUPPLY	63,923	58,400	48,647	65,967	(17,320)
PRINT & BIND	259,174	325,944	271,511	157,169	114,342
UNIFORMS	1,951	2,150	1,791	692	1,099
COMMUNICATIO	28,986	25,800	21,491	22,003	(512)
RENTALS	2,193	2,000	1,666	2,845	(1,179)
UTILITIES	187	750	625	204	421
PROF SERV	53,169	80,070	64,056	29,247	34,809
OUTSIDE SERV	31,516	26,550	22,116	40,317	(18,201)
ADVER PUB	0	5,000	4,165	0	4,165
DATA PROC	7,275	14,050	11,704	4,494	7,210
REIMBURSEMENT	3,896	6,175	5,144	527	4,617
EQUIPMENT	22,464	29,724	28,238	21,805	6,433
OTHER EXP	124	2,600	2,166	4	2,162
	1,619,773	1,816,343	1,566,498	1,316,059	250,439

Note: The budget overage in Other Supplies is within the Aquatic Education program and is covered by available federal cost-share. The Outside Services overage is within the publications area and relates to REAP meetings.

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 5/31/96	YTD Actual 5/31/96	Under (Over)
PERS SERV	3,727,699	3,729,059	3,289,030	3,153,452	135,578
PERS TRV IN	32,873	42,850	35,694	40,050	(4,356)
STATE VEHICL	47,570	55,000	50,600	53,505	(2,905)
DEPRECIATION	68,730	75,500	69,460	63,520	5,940
PERS TRV OUT	7,148	8,500	7,081	6,519	562
OFF SUPPLY	339,910	355,500	296,132	269,000	27,132
FAC MAINT SU	2,020	16,000	13,328	1,020	12,308
EQUIP MAINT	46,662	53,000	44,149	37,415	6,734
OTHER SUPPLY	18,066	14,000	11,662	7,332	4,330
PRINT & BIND	25,145	23,000	19,159	18,527	632
UNIFORMS	6,031	2,500	2,083	974	1,109
COMMUNICATIO	101,812	108,100	90,047	96,936	(6,889)
RENTALS	184	500	417	800	(384)
UTILITIES	282	0	0	0	0
PROF SERV	52,024	70,000	56,000	42,609	13,391
OUTSIDE SERV	34,280	79,650	66,348	66,026	322
ADVER PUB	934	500	417	528	(112)
DATA PROC	44,611	91,000	75,803	29,258	46,545
AUDITOR REIM	169,503	175,000	140,000	118,176	21,824
REIMBURSEMENT	182,696	118,650	98,835	121,425	(22,590)
EQUIPMENT	199,462	169,500	161,025	201,719	(40,694)
OTHER EXP	8,484	8,658	7,212	0	7,212
LICENSES	0	50	42	0	42
	5,116,126	5,196,517	4,534,523	4,328,791	205,732

Note: Personal travel is over due primarily to increased Construction Services activity. Equipment is over due to maintenance of the DNR PC system, and providing lap top computers to acquisition staff.

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 5/31/96	YTD Actual 5/31/96	Under (Over)
PERS SERV	5,004,243	4,555,104	4,017,602	3,948,300	69,302
SEASONAL HELP	1,509,834	1,298,094	986,551	977,063	9,488
PERS TRV IN	72,955	58,550	48,772	68,278	(19,506)
STATE VEHICL	213,209	200,460	184,423	183,575	848
DEPRECIATION	292,147	304,150	279,818	228,095	51,723
PERS TRV OUT	4,357	7,585	6,318	4,130	2,188
OFF SUPPLY	55,853	37,200	30,988	37,312	(6,324)
FAC MAINT SU	517,700	570,409	399,286	493,765	(94,479)
EQUIP MAINT	363,110	312,298	218,609	322,348	(103,739)
AG CONS SUPP	55,354	34,035	23,825	22,575	1,250
OTHER SUPPLY	37,550	43,600	36,319	33,908	2,411
PRINT & BIND	28,417	28,000	23,324	19,080	4,244
UNIFORMS	37,322	34,077	28,386	33,202	(4,816)
COMMUNICATIO	97,981	105,250	87,673	84,507	3,166
RENTALS	42,930	38,050	26,635	30,198	(3,563)
UTILITIES	440,884	423,200	296,240	386,613	(90,373)
PROF SERV	52,839	105,165	84,132	25,218	58,914
OUTSIDE SERV	219,918	203,852	142,696	172,150	(29,454)
ADVER PUB	2,904	1,050	875	894	(19)
DATA PROC	2,846	5,000	4,165	1,753	2,412
REIMBURSEMENT	8,012	7,375	6,143	7,853	(1,710)
EQUIPMENT	239,227	216,100	205,295	230,443	(25,148)
OTHER EXP	52	2,700	2,249	672	1,577
LICENSES	204	697	581	1,145	(564)
	9,299,848	8,592,001	7,140,905	7,313,077	(172,172)

Note: The net overage has increased significantly from last month due to spring area maintenance needs. Even with the wet spring weather, Parks expects the net camping revenue to exceed budget by \$100,000. Seasonal help expenditures are being cut by 25% through June which should reduce budgeted expenses by about \$80,000. Hours will be reduced further to make budget if necessary.

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 5/31/96	YTD Actual 5/31/96	Under (Over)
PERS SERV	1,801,319	1,804,191	1,591,296	1,579,403	11,893
SEASONAL HELP	81,704	122,976	93,462	77,398	16,064
PERS TRV IN	40,119	42,800	35,652	35,833	(181)
STATE VEHICL	66,145	86,500	79,580	64,081	15,499
DEPRECIATION	133,805	138,500	127,420	108,790	18,630
PERS TRV OUT	8,189	8,800	7,330	4,126	3,204
OFF SUPPLY	27,792	25,870	21,550	20,239	1,311
FAC MAINT SU	49,992	33,500	27,906	36,076	(8,171)
EQUIP MAINT	57,760	49,000	40,817	51,595	(10,778)
AG CONS SUPP	125,118	113,000	94,129	52,674	41,455
OTHER SUPPLY	12,826	19,900	16,577	14,941	1,636
PRINT & BIND	3,419	26,200	21,825	13,441	8,384
UNIFORMS	13,640	14,300	11,912	3,826	8,086
COMMUNICATIO	39,189	39,669	33,044	42,778	(9,734)
RENTALS	39,257	38,000	31,654	31,029	625
UTILITIES	30,741	36,800	30,654	26,992	3,662
PROF SERV	19,546	8,820	7,056	10,593	(3,537)
OUTSIDE SERV	57,912	60,820	50,663	56,888	(6,225)
ADVER PUB	176	2,000	1,666	243	1,423
DATA PROC	666	2,000	1,666	1,022	644
REIMBURSEMENT	2,580	550	458	861	(403)
EQUIPMENT	140,782	71,861	68,268	39,651	28,617
OTHER EXP	0	0	0	0	0
	2,752,677	2,746,057	2,394,585	2,272,480	122,105

Note: Forestry is deferring discretionary expenditures to avoid a year-end shortfall. The shortfall is due to nursery stock sales being about \$125,000 under the projected level.

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 5/31/96	YTD Actual 5/31/96	Under (Over)
PERS SERV	2,340,475	2,445,164	2,156,635	2,035,831	120,804
PERS TRV IN	18,491	51,756	43,113	17,586	25,527
STATE VEHICL	10,970	14,000	12,880	11,749	1,131
DEPRECIATION	18,515	20,000	18,400	10,885	7,515
PERS TRV OUT	47,982	68,787	57,300	32,715	24,585
OFF SUPPLY	29,069	36,105	30,075	27,785	2,290
FAC MAINT SU	428	2,200	1,833	294	1,539
EQUIP MAINT	2,810	6,550	5,456	1,577	3,879
PROF SUPPLY	1,048	3,280	2,732	1,465	1,267
OTHER SUPPLY	29,162	61,561	51,280	23,990	27,290
PRINT & BIND	33,907	48,300	40,234	30,099	10,135
UNIFORMS	402	1,000	833	237	596
COMMUNICATIO	39,280	46,428	38,675	32,654	6,021
RENTALS	2,764	3,100	2,582	1,696	886
UTILITIES	18,227	16,400	13,661	17,630	(3,969)
PROF SERV	955,814	1,955,824	1,564,659	677,705	886,954
OUTSIDE SERV	57,518	134,270	111,847	63,847	48,000
ADVER PUB	624	1,000	833	792	41
DATA PROC	4,492	19,530	16,268	4807	11,461
REIMBURSEMENT	8,164	6,635	5,527	5,995	(468)
EQUIPMENT	136,163	158,381	150,462	133,169	17,293
OTHER EXP	5,408	4,742	3,950	0	3,950
	3,761,713	5,105,013	4,329,235	3,132,508	1,196,727

Note: The apparent budget surplus relates to underspending in several federal and grant areas as reviewed at the March EPC meeting.

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 5/31/96	YTD Actual 5/31/96	Under (Over)
PERS SERV	8,177,148	9,556,812	8,429,108	7,650,147	778,961
PERS TRV IN	55,513	130,807	108,962	46,941	62,021
STATE VEHICL	42,519	52,500	48,300	37,820	10,480
DEPRECIATION	56,720	76,500	70,380	52,290	18,090
PERS TRV OUT	72,774	193,332	161,046	79,390	81,656
OFF SUPPLY	98,251	127,557	106,255	107,607	(1,352)
FAC MAINT SU	3,133	4,300	3,582	3,821	(239)
EQUIP MAINT	16,909	19,750	16,452	18,939	(2,487)
PROF SUPPLY	0	1,250	1,041	0	1,041
OTHER SUPPLY	22,997	46,567	38,790	10,857	27,933
PRINT & BIND	74,754	109,600	91,297	60,639	30,658
UNIFORMS	4,773	7,600	6,331	4,390	1,941
COMMUNICATIO	177,611	177,850	148,149	155,449	(7,300)
RENTALS	87,694	119,500	99,544	102,854	(3,311)
UTILITIES	18,207	24,811	20,668	20,591	77
PROF SERV	2,667,560	6,716,468	5,373,174	2,818,322	2,554,852
OUTSIDE SERV	87,877	91,446	76,175	55,528	20,647
ADVER PUB	6,314	12,900	10,746	6,978	3,768
DATA PROC	189,747	217,106	180,849	141,220	39,629
REIMBURSEMENT	62,713	67,600	56,311	39,562	16,749
EQUIPMENT	956,082	1,746,333	1,659,016	1,267,012	392,004
OTHER EXP	15,213	12,720	10,596	0	10,596
	12,894,509	19,513,309	16,716,771	12,680,357	4,036,414

Note: The apparent budget surplus relates to underspending in several federal and grant areas as reviewed at the March EPC meeting.

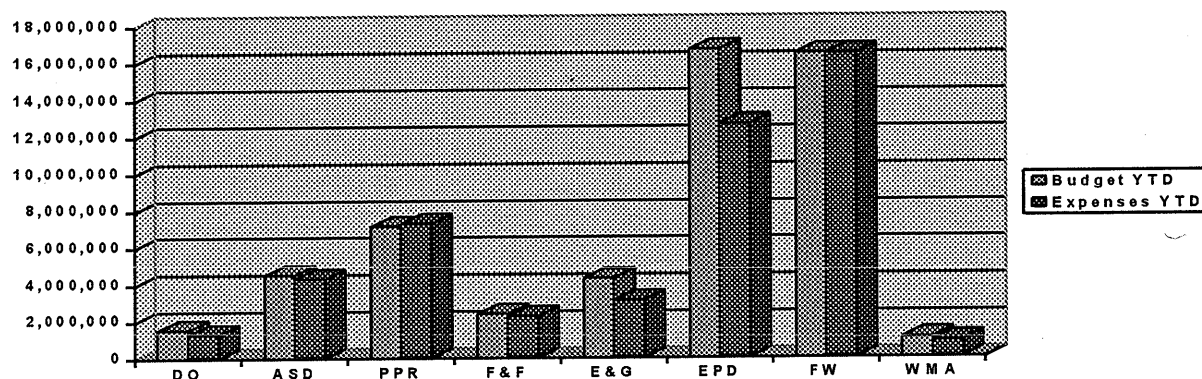
FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 5/31/96	YTD Actual 5/31/96	Under (Over)
PERS SERV	12,485,277	12,227,973	10,785,072	10,846,415	(61,343)
SEASONAL HELP	785,126	802,414	609,835	633,057	(23,222)
PERS TRV IN	371,415	355,522	296,150	294,928	1,222
STATE VEHICL	540,298	506,700	466,164	479,062	(12,898)
DEPRECIATION	680,640	753,316	693,051	644,815	48,236
PERS TRV OUT	33,831	48,400	40,317	34,653	5,664
OFF SUPPLY	276,247	303,868	253,122	237,541	15,581
FAC MAINT SU	377,293	458,687	382,086	267,635	114,451
EQUIP MAINT	451,909	350,636	292,080	427,113	(135,033)
PROF SUPPLY	0	10,000	8,330	0	8,330
AG CONS SUPP	340,020	366,258	305,093	273,540	31,553
OTHER SUPPLY	171,384	103,577	86,280	153,805	(67,525)
PRINT & BIND	218,479	283,625	236,260	294,568	(58,308)
UNIFORMS	161,845	132,575	110,435	70,150	40,285
COMMUNICATIO	293,531	204,100	170,015	261,624	(91,609)
RENTALS	57,169	65,035	54,174	51,579	2,595
UTILITIES	206,398	242,216	201,766	200,847	919
PROF SERV	343,892	392,780	314,224	293,599	20,625
OUTSIDE SERV	185,806	170,362	141,912	126,278	15,634
ADVER PUB	1,883	2,600	2,166	3,399	(1,233)
DATA PROC	74,037	64,000	53,312	82,161	(28,849)
REIMBURSEMENT	72,133	68,450	57,019	59,292	(2,273)
EQUIPMENT	1,219,428	951,034	903,482	727,872	175,610
OTHER EXP	44,003	34,353	28,616	3,197	25,419
LICENSES	1,053	300	250	0	250
	19,393,097	18,898,781	16,491,210	16,467,130	24,080

Note: Overages in several areas are being compensated for by delaying some equipment purchases to the next fiscal year. Other discretionary expenditures are being delayed to next fiscal year as well.

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 5/31/96	YTD Actual 5/31/96	Under (Over)
PERS SERV	766,664	782,200	689,900	678,550	11,350
PERS TRV IN	29,522	47,214	39,329	24,651	14,678
PERS TRV OUT	23,060	39,165	32,624	19,017	13,607
OFF SUPPLY	9,635	32,030	26,681	10,588	16,093
EQUIP MAINT	634	1,900	1,583	1,052	531
OTHER SUPPLY	24,011	45,445	37,856	33,561	4,295
PRINT & BIND	30,863	61,258	51,028	41,395	9,633
UNIFORMS	0	0	0	28	(28)
COMMUNICATIO	14,932	16,000	13,328	12,399	929
RENTALS	691	800	666	776	(110)
PROF SERV	75,578	123,897	99,118	24,214	74,904
OUTSIDE SERV	7,480	9,886	8,235	6,715	1,520
ADVER PUB	613	13,500	11,246	6,506	4,740
DATA PROC	4,157	4,750	3,957	2,253	1,704
REIMBURSEMENT	25,209	15,110	12,587	21,620	(9,033)
EQUIPMENT	14,702	63,400	60,230	32,083	28,147
OTHER EXP	5,796	6,650	6,318	390	5,928
	1,033,547	1,263,205	1,094,685	915,798	178,887



Director Wilson presented details of the status report for each division and expanded on the department's authority to shift funds from one division to another. He noted that unspent funds will revert to the General Fund but the department is allowed to keep 50% of those funds to be spent on information, technology, computers, etc. He related that the department would eventually like to install an ICN station at Springbrook, and also in the Wallace Building in conjunction with DALs and Public Safety. Funds from FY 96 will be used to install computers in some state parks.

Discussion followed regarding the short-lived Park User Fee of the past and also REAP fund appropriations.

INFORMATIONAL ONLY

FINAL RULE--CHAPTER 214, HOUSEHOLD HAZARDOUS MATERIALS PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve new IAC Chapter 214 that will regulate the collection and disposal of small amounts of household hazardous waste.

The following will be accomplished:

- Establish an educational linkage between components of the Household Hazardous Materials Program;
- Establish criteria for selection of Toxic Clean-up Day event hosts;
- Establish criteria for selection of hazardous waste contractors; and
- Establish a disbursement system for Regional Collection Center disposal funds.

Notice of Intended Action was published in IAB on March 13, 1996 as ARC 6323A. A public hearing was held on April 5, 1996, with no one in attendance.

Written comments were received from Amy L. Christensen from the Law Offices of Sullivan & Ward, P.C. representing the rural electrical cooperatives in Iowa and William Uffelman of Browning-Ferris Industries.

Comment: The rural electrical cooperatives in Iowa are concerned that it is not clear in this chapter that the regional collection centers (RCC) can accept waste from conditionally exempt small quantity generators (CESQG).

Discussion: Iowa Code Chapter 455F.8A(2)"d" clearly states that RCC grant recipients provide for collection of hazardous wastes from CESQGs. Iowa Code Chapter 455F.8A(2)"d" also allows the RCCs to collect fees for disposal of hazardous wastes from CESQGs. Iowa Administrative Code chapter 211 "Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes" further clarifies that the RCCs will collect hazardous wastes from CESQGs. In addition, sections 214.11(4), (5), and (6) of these rules require RCCs to report to the Department the number of CESQGs that brought hazardous waste to the facility, the weight of that waste and the categories of that waste.

Recommended Action: No change.

Comment: Browning-Ferris Industries expressed concern that the proposed "selection of hazardous waste contractor" criteria in 214.10 would perhaps inadvertently discriminate against solid waste management companies that would subcontract services.

Discussion: The Department solicits requests for proposals from a current national listing of hazardous waste companies. A solid waste company has the option to contact the Department and have their company added to the current listing of hazardous waste contractors. That solid waste contractor would then be evaluated according to the general criteria listed in this subsection.

Recommended Action: No change.

The proposed final rule includes some grammatical corrections and clarifications from the notice of intended action. These changes have been reviewed by the Department's legal staff and were determined to not alter the content of the rule as previously presented to the Commission.

At this time the Commission is requested to approve IAC Chapter 214.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.485 and 455B.412, the Environmental Protection Commission hereby adopts Chapter 214, "Household Hazardous Materials Program," Iowa Administrative Code.

This rule is intended to regulate the collection and disposal of small amounts of household hazardous wastes that are stored in residences and on farms, as well as to provide a basis to educate Iowans regarding the use of safer alternatives and the proper management and disposal of household hazardous waste.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 13, 1996, as ARC 6323A. Several changes have been made to the rule since published under Notice. These changes were primarily made to make grammatical changes and to clarify the rule's intent. Changes of particular interest are discussed below.

The next to the last paragraph of section 214.9(1) was changed to clarify under what circumstances the Department would grant a partial or complete variance from applicant cost-share requirements. Applicants seeking a partial or complete variance from the cost-share requirements must request this variance as part of the application rather than by separate letter that was to be submitted within 30 days from receipt of the TCD proposal package. The other change in this section clarifies that the Department may also grant a variance from the cost-share requirements if the applicant county's median income is below the state median income.

In Section 214.11, subsections 4, 5 and 6 were added requiring RCCs report to the Department data relating to the volume of hazardous materials being handled from conditionally exempt small quantity generators. It will not require a significant effort to include this information in the annual report as RCCs routinely track this information. It is important that the Department have knowledge of the amounts and types of hazardous materials received at the RCCs from conditionally exempt small quantity generators as well as urban and rural households..

These rules are intended to implement Iowa Code sections 455F.8, 455F.8B and 455F.9. These rules will become effective August 21, 1996.

The following new chapter is adopted.

**CHAPTER 214
HOUSEHOLD HAZARDOUS MATERIALS PROGRAM**

567--214.1(455F) Scope. This chapter is intended to implement Iowa Code sections 455F.8, 455F.8B and 455F.9. The following will be accomplished in this chapter:

1. Establish an education connection to the Household Hazardous Materials programs;
2. Establish a Household Hazardous Materials education grant;
3. Establish criteria for selection of Toxic Cleanup Day event hosts;
4. Establish Toxic Cleanup Day event requirements;
5. Establish criteria for selection of hazardous waste contractors; and
6. Establish disbursement system for Regional Collection Center disposal funds.

567--214.2(455F) Goal. The goal of this program is to reduce the amount of household hazardous waste being generated, landfilled and disposed of improperly in Iowa. This will be achieved by educating the public through the retailer's consumer education program, household hazardous materials educational awareness programs, toxic cleanup days and regional collection centers. Through these programs the awareness of Iowans will be raised regarding household hazardous materials, resulting in the preservation of the state's groundwater resources while protecting our health and safety and the environment as a whole.

567--214.3(455F) Definitions. As used in this chapter:

"Applicant" means any unit of local government, public or private organizations, regional collection centers and businesses with an interest in or responsibility for the management of household hazardous materials.

"Cost share" means the percent of applicant funds contributed to the project for those expenses or services that are directly related to the project.

"Department" means the Iowa department of natural resources.

"Groundwater protection Act" means Iowa Code chapter 455E, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of solid wastes at landfills and encourages better management of Iowa's groundwater resources.

"HHM" means "Household hazardous materials" as defined in Iowa Code subsection 455F.1.

"Household hazardous waste" means the unused or leftover portions of household hazardous materials.

"RCC" means "Regional collection center" as defined in 567 IAC 211.3(455F).

"Retailer" means a person offering for sale or selling a household hazardous material to the ultimate consumer within this state.

"Retailer's consumer education program" means the program implemented in 567 IAC 144.

"Sanitary landfill" means a sanitary disposal project where solid waste is buried between layers of earth.

"Source reduction" means "waste reduction" as defined in 567 IAC 209.

"Toxic cleanup days (TCD)" means free one-day collection events for the safe management of household hazardous waste from urban and rural households and an opportunity to educate the public about household hazardous materials.

"Waste management assistance division" means the waste management assistance division of the department of natural resources established by Iowa Code section 455B.483.

567--214.4(455F) Role of the department of natural resources. The department is responsible for the administration of the funds for the HHM program under these rules. The department will ensure that funds disbursed will meet guidelines established by the groundwater protection Act.

Any proposals described by this chapter may be submitted by an applicant for grant consideration. The waste management assistance division shall have sole responsibility for determining which proposals will receive funding.

567--214.5(455F) Funding sources. The department will use funds authorized by Iowa Code section 455F.7 and Iowa Code Supplement sections 455E.11(2)"c" and 455E.11(2)"a"(2)(e) and (f), for the purpose of achieving the goals outlined in these rules. The department will ensure that use of these funds meets federal and state guidelines.

567--214.6(455F) Household hazardous materials education. Education of the public shall be the foundation of the HHM program. HHM education involves the concept of source reduction.

214.6(1) Source reduction. Source reduction as applied to HHM consists of the following points:

1. Purchase a safer alternative when possible;
2. Purchase only the quantity of product needed;
3. Use up the product, according to manufacturer's instructions;
4. If the product cannot be used up by the consumer who purchased it, the product should be given to someone who can use it;
5. Some products that cannot be used up may be safely managed at home;
6. If a product cannot be used up, given away or safely managed at home, the product should be saved for proper disposal at a TCD or an RCC.

214.6(2) Educational programs. The above concepts shall be communicated through every aspect of the HHM program. The HHM program includes the following subprograms:

1. The retailers consumer education program which provides information to consumers while shopping in retail establishments. See 567 IAC 144 (implemented by retailers).
2. Public education through distribution of HHM educational materials, presentations and communications media (as implemented by the applicant and the department).
3. The TCD program which educates Iowa residents and provides a means of proper disposal of household hazardous wastes (implemented by the applicant).
4. The RCC grant program which educates Iowa residents and provides ongoing collection of hazardous waste from household and conditionally exempt small quantity generators. See 567 IAC 211 (implemented by the applicant).

All applicants will be required to meet these objectives. These subprograms are designed to implement education regarding HHMs.

567--214.7(455F) HHM education grants. The department will solicit requests for proposals (RFPs) from applicants twice a year, in conjunction with the Toxic Cleanup Day RFP, for education projects.

214.7(1) Eligible education programs. Eligible education projects include, but are not limited to:

a. Retailer's consumer education program.

1. Inform retailers of requirements of the HHM retailer's consumer education program;
2. Assist retailers in obtaining the household hazardous materials permit; and
3. Assist retailers with the posting of education materials.

b. Household hazardous materials educational awareness program.

1. Identification of HHM products;
2. Promote awareness of safer alternatives;
3. Promote the awareness of proper management and proper disposal options;

4. Promote awareness of TCD events and RCCs.

214.7(2) Department selection. The criteria and instructions for submitting a proposal are included in the TCD request for proposal (RFP) package. The department will review all proposals returned by the deadline and select HHM education grantees based on the information requested in the RFP package. Upon selection, the department will provide financial and technical assistance. Instructions for submitting proposals and the process by which proposal selections are determined will be detailed in the RFP available from the waste management assistance division.

567--214.8(455F) Selection of TCD event host. The department will solicit requests for proposals twice a year from applicants to sponsor TCD events. The following is a list of general requirements for hosting a TCD. The proposals will be evaluated on how well the applicant meets these general criteria:

1. Establishment of a local task force;
2. Publicity;
3. Education;
4. Retailer consumer education program;
5. Local oil and battery collection sources;
6. Telephone appointment assistance;
7. Usable paint exchange;
8. Volunteer network;
9. Permanent program;
10. Selection of site, including:
 - Accessibility
 - Storage capabilities
 - Availability;
11. Pledges of support by local law enforcement and fire protection;
12. Local cost share.

The detailed criteria for the proposal are included in the TCD request for proposal package. Applications will be due the first Friday in January and the first Friday in July of each year at 5 p.m., unless otherwise designated by the waste management assistance division. All proposals shall be completed as specified in the Toxic Cleanup Day RFP. Instruction for submitting proposals and the process by which the selection is determined are detailed in the TCD request for proposal package. Upon selection of the TCD host, the department will provide the selected applicants with services of a hazardous waste contractor and financial assistance for disposal cost. The department will also provide technical assistance through a workshop and guidance in the areas of education, publicity, telephone assistance, site selection, and setting up the toxic cleanup day. Copies of the TCD request for proposals are available from the waste management assistance division.

567--214.9(455F) TCD events The TCD events will provide for proper disposal of household hazardous waste from urban and rural households. All hazardous wastes accepted at the event shall be removed from the site within 24 hours after the end of the collection event, unless otherwise authorized by the department or applicant representative. Brochures and videos on how to establish and set up a TCD are available at the waste management assistance division.

214.9(1) Minimum applicant cost share. A minimum cost share shall be required of each event host. The cost share will be:

1. 50-cent minimum per household for first or second time event host,
2. 75-cent minimum per household for third time or more event host if the event host is not serviced by a regional collection center; and
3. 50-cent minimum cost share per household for regional collections centers or event host serviced by a RCC.

The applicant shall incur all in-kind cost. In-kind cost will include, but is not limited to, the following:

1. Promotional materials, including brochures, posters, newspaper ads, public service announcements, telephone service;
2. Educational materials, including books.

The department may grant a partial or complete variance from the cost-share requirement of these rules. Applicants must submit as part of the TCD application, a request for a variance from the cost-share requirement. The department may grant a variance from the cost-share requirements of these rules if the applicant county's median income is below the state median income.

The department shall review the variance request and notify the applicant within 30 days of receipt that the application is approved, denied or requires modification.

214.9(2) Reserved.

567--214.10(455F) Selection of hazardous waste contractor The department will solicit requests for proposals at a minimum of once every two years from a current listing of hazardous waste companies in the United States. General criteria used to select the hazardous waste contractor include the following:

1. General operating procedures.
2. Safety/contingency plan.
3. Experience and personnel.
4. Waste disposal hierarchy.
5. Nonhazardous and nonlicensed waste.
6. Pricing/hypothetical event.

The detailed evaluation criteria and the instructions for submitting a proposal are included in the contractor request for proposal package. The department will review the proposals returned by the deadline specified in the request for proposal and select a contractor based on the evaluation criteria presented. The department will have sole responsibility in the selection of a contractor. Copies of the contractor request for proposal are available from the waste management assistance division.

567--214.11(455F) Regional collection center household hazardous material disposal funding. All RCCs are eligible to receive funding from the department to offset the cost associated with proper disposal of household hazardous waste by a hazardous waste contractor. The additional 3 percent described in Iowa Code Supplement section 455E.11(2)"a"(2)(e) is the source for this funding.

RCCs will receive a percentage of the total funds accumulated in this account in an amount equal to the percentage each RCC collected compared to the total amount collected by

all RCCs in each fiscal year based on the weight of materials collected from urban and rural households. To receive disposal funding assistance, an RCC must report the following to the department by July 1 of each year for the fiscal year ending the previous June 30.

1. Number of households bringing waste to the facility.
2. Poundage of household hazardous waste received.
3. Categories of household hazardous waste received.
4. Number of conditionally exempt small quantity generators bringing waste to the facility.
5. Poundage of hazardous waste received from conditionally exempt small quantity generators.
6. Categories of hazardous waste received from conditionally exempt small quantity generators.

A fiscal year will be from July 1 of the previous year to June 30 of the current year. Water-based paint, waste oil and lead acid battery weights are not considered eligible poundages. These rules are intended to implement Iowa Code sections 455F.8, 455F.8B and 455F.9.

Date

Larry J. Wilson, Director

Mr. Stokes reviewed details of the rule noting that they set down the goals and objectives of the program and provide funding for the TCD and HHM programs.

Discussion followed regarding the number of regional centers in the state; educational grant funding; RFP process/distribution; cost share per household; and changes to the rule for clarification purposes.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 214, Household Hazardous Materials Program. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Jack Hill, Mayor of Long Grove, expressed thanks to the Commission, the DNR, and the Scott County Health Department for their help in solving a benzene problem in Long Grove's city well. He related that the cause of the problem was from an area where gas was sold years ago. He noted that the city well has now been sealed, and excavation will take place soon to see if the old gas tank is still there and to determine whether soil cleanup is needed.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT May 1, 1996

Proposal	Notice to Comm.	Notice Published	Rules Review Comm.	Hearing	Final Summary to Commission	Rules Adopted	Rules Published	Rules Review Committee	Rule Effective
1. Ch. 20,22,23, and 29, AQ Rules Update & Waiver of Title V Applicability for Small Sources - MACT	12/18/95	1/17/96	2/05/96	2/19/96	4/15/96	4/15/96	5/08/96	5/13/96	*6/21/96
2. Ch. 20, 22 - Potential to Emit for Grain Elevators and Emergency Generators	4/15/96	5/08/96	5/14/96	*6/10/96	*6/17/96	*6/17/96	*7/17/96	*8/13/96	*8/21/96
3. Ch. 22 - Deferral of Title V Fee Payment	2/19/96	3/13/96	4/16/96	4/15/96	5/20/96	*5/20/96	*6/19/96	*7/09/96	*7/24/96
4. Ch. 23 - Waiver of Open Burning Separation Distance Requirement	5/20/96	*6/19/96	*7/09/96	*7/ /96	*7/15/96	*7/15/96	*8/14/96	*9/10/96	*9/18/96
5. Ch. 53 - Protected Water Sources	*6/17/96	*7/17/96	*8/13/96	*8/ /96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
6. Ch. 61 - WQ Standards - Stream Use Designations	2/19/96	3/13/96	4/16/96	4/02/96 4/03/96	5/20/96	*5/20/96	*6/19/96	*7/09/96	*7/24/96
7. Ch. 65 - Animal Feeding Operations	1/16/96	2/14/96	3/11/96	3/05/96 3/06/96	5/20/96	*5/20/96	*6/19/96	*7/09/96	*7/24/96
8. Ch. 65, 68, 121 - Navigable Waters & Manure Application	*6/17/96	*7/17/96	*8/13/96	*8/ /96	*9/16/96	*9/16/96	*10/09/96	*11/12/96	*11/13/96
9. Ch. 83 - Laboratory Certification	10/16/95	11/08/95	12/13/95	12/14/95	3/18/96	3/18/96	4/16/96	5/14/96	5/15/96
10. Ch. 103 - Sanitary Landfill Liners	5/20/96	*6/19/96	*7/09/96	*7/ /96	*7/15/96	*7/15/96	*8/14/96	*9/10/96	*9/18/96
11. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	10/16/95	11/08/95	12/13/95	12/01/95 12/04/95 12/06/95 12/08/95 12/11/95 12/13/95	*6/17/96	*6/17/96	*7/17/96	*8/13/96	*8/21/96
12. Ch. 134 - Groundwater Professional Certification	12/18/95	1/17/96	2/12/96	2/06/96 2/07/96 2/08/96	4/15/96	4/15/96	5/08/96	5/14/96	*6/12/96
13. Ch. 146 - Household Hazardous Materials Program	2/19/96	3/13/96	4/10/96	4/05/96	*6/17/96	*6/17/96	*7/17/96	*8/13/96	*8/21/96

Variance Report

Facility	Program	Engineer	Subject	Decision	Date
John Deere Waterloo Works	Air Quality		Permit Requirements	Approved	05/21/96
Koehring Cranes, Inc.-Waverly	Air Quality		Trade Waste	Denied	05/24/96
Vermeer Manufacturing Co.-Pella	Air Quality	Stanley Environmental	Permit Requirements	Denied	05/28/96
Camanche, City of	Wastewater Construction	Shive-Hattery Engineers	Sewer Grade	Approved	05/28/96
County Road M-54 Bridge-Clay County	Flood Plain	Clay County Engineer	Backwater	Approved	05/17/96
Mud Creek Bridge-Scott County	Flood Plain	Scott County Engineer	Freeboard	Approved	05/10/96
Ag Processing, Inc.-Manning	Wastewater Operation		Monitoring Frequency	Approved	05/07/96
Page County Sanitary Landfill	Solid Waste	Turkle-Clark Environmental Consulting	Leachate	Approved	05/28/96
Colony Investments, L.P.-Williamsburg	Watersupply Construction	Van Winkle-Jacob Engineering, Inc.	Unit Flow Rates	Approved	05/10/96
Kossuth County Park-Smith Lake	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	05/02/96
Osceola Rural Water System	Watersupply Construction	DeWild Grant Reckert & Associates	Construction Materials	Approved	05/17/96

Spill Report

Month	Tot. Incident	Pet. Prod.	Ag. Chem	Other Chem.	Handle & Store	Pipeline	Hwy. Incident	RR Incident	Fire	Other
Oct.	64(51)	37(38)	9(3)	18(10)	21(32)	0(0)	35(16)	3(0)	1(0)	4(2)
Nov.	52(54)	34(24)	7(7)	11(23)	25(29)	4(0)	21(22)	1(3)	0(0)	1(0)
Dec.	56(52)	30(27)	11(2)	15(23)	28(38)	2(1)	21(12)	2(0)	1(0)	2(1)
Jan.	42(48)	18(29)	10(7)	14(12)	24(31)	0(0)	13(14)	1(1)	0(1)	4(1)
Feb.	55(48)	36(29)	11(12)	37(31)	1(0)	1(0)	12(14)	2(1)	1(1)	2(1)
Mar.	59(41)	44(27)	6(5)	9(9)	29(24)	0(0)	28(17)	0(0)	0(0)	2(0)
Apr.	93(75)	41(30)	37(25)	15(20)	37(39)	1(1)	36(30)	3(1)	2(1)	14(3)
May	100(90)	46(45)	34(40)	20(5)	31(34)	2(0)	58(49)	1(2)	0(1)	8(4)

(numbers in parentheses for the same period in fiscal
Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
20	10	11	13	33	13

Report of Releases from Underground Storage Tanks

During the period of May 1, 1996 through May 31, 1996, the following number of releases from underground storage tanks were identified.

9(6)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1995.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program Alleged Violation	Action	Date
Mederer Corporation, Creston (4)	Wastewater	Pretreatment	Order/Penalty \$10,000
Vermeer Manufacturing, Pella (5)	Air Quality	Construction Without Permit	Order/Penalty \$10,000
Twin County Dairy, Inc. Johnson Co. (6)	Wastewater	Effluent Limits	Order/Penalty \$5,000
Austin J. DeCoster d/b/a Decoster Farms of Iowa, Hardin Co., Hamilton Co., and Wright Co. (2)	Wastewater	Operation Violations	Order
Randy Ballard, Fayette Co. (1)	Flood Plain	Construction Without Permit	Referred to AG
Postville Pork, Postville (1)	Wastewater	Prohibited Discharge	Referred to AG

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft.Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R&R Convenience Store (Central City)	UT	2,480	2-28-93
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94

Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Orrie's Supper Club, Inc. (Hudson)	WS	3,000	6-11-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Sheldahl, City of	WS	200	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Orville Long (Polk Co.)	SW	3,000	9-12-95
Ken Frese (Keokuk Co.)	SW/AQ	1,000	10-03-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Welch Oil, Inc. (Williams)	UT	10,000	11-01-95
Searsboro, City of	WW	2,500	11-08-95
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Site Services, Ltd. (Waterloo)	AQ	5,000	1-29-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Steven Mullane d/b/a S & S Landscaping (Madison Co.)	AQ/SW	2,000	2-14-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
Sportsmen's Club (Waukon)	WS	100	4-01-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Lamoni, City of	WW	1,000	4-15-96
3 Amigos (West Burlington)	WS	100	5-01-96
Oakland Mills Store (Mt. Pleasant)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
Barrington Lakes Water Commission (Dubuque)	WS	100	5-03-96
Hofer's Danceland Ballroom (Walford)	WS	100	5-04-96
Fernald Water System (Nevada)	WS	100	5-04-96
Cedar River Trailer Park (Letts)	WS	100	5-04-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
# T M & M Inc. Environmental Services (Hamilton Co.)	WW	3,000	5-12-96
*First United Methodist Church (Ft. Madison)	AQ	4,000	6-01-96
*Curry Environmental Services, Inc. (Marion)	AQ	3,000	6-01-96
Perry, City of	WW	10,000	6-23-96
*Woden-Crystal Lake Comm. School District (Crystal lake)	AQ	1,500	7-01-96
Mederer Corporation (Creston)	WW	10,000	7-03-96
Twin County Dairy, Inc. (Kalona)	WW	5,000	7-14-96
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Deer Ridge Estates (Otumwa)	WS	100	-----

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Dan Dooley; Ron Rupe (Polk Co.)
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)

SW	2,000	----
UT	1,500	----
TOTAL	168,100	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95
Plantation Village Mobile Home Park (Burlington)	WW	1,000	7-07-94
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
TOTAL		24,654	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Charles Kerr (Sloan)	UT	600
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
J.P. Scherrman, Inc. (Farley)	UT	1,160
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; Gene Phillips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Riverside Plating Company (Shell Rock)	WW	1,500
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000

Larry and Kelly Miller (Ogden)	UT	2,000
R.D.J. Farms; Donald Vogt (Van Home)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Tom Wiseman (Sheffield)	UT	3,500
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc.	AQ	5,000
(Algona)		
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
# Larry Royer (Guthrie Co.)	WW	1,000
Bacon Addition (Monticello)	WS	375
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Borman (Preston)	UT	2,000
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Cumberland Ridge First Addition (North Liberty)	WS	550
Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	3,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Allison-Bristow Community School District (Allison)	AQ	5,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Mark Twain Meadows Assoc. (Muscatine)	WS	900
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000
Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000
Colwell, City of	WS	200
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Central Community School District (DeWitt)	AQ	5,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
# Gary Watson (Cerro Gordo Co.)	WW	2,500
Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	10,000
Roy Burger (Gillette Grove)	UT	5,400
Marvin Wernimont; Filter Friend Recycling (Buena Vista)	AQ/SW	2,000
Spencer Municipal Hospital (Spencer)	AQ	3,000

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Massena, City of	WW	1,200
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
All-States Quality Foods (Charles City)	WW	5,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Eastern Iowa Tire Recycling, Inc. (Muscatine)	SW/WW	2,500
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
# Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
# C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
CGB Printing Company (Newton)	AQ	2,000
Mildred Eileen Bentley (Johnson Co.)	AQ/SW	1,000
Haasco, Ltd. (Dubuque)	AQ	3,000
TOTAL		434,411

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*DBM, Inc. (Cedar Falls) PAID IN FULL	AQ	1,000
*Curry Environmental Services, Inc. (Marion)	AQ	1,000
Midway Water & Lighting Co., Inc. (Marion)	WS	50
Wieland & Sons Lumber Co. (Winthrop)	AQ/SW	1,500
Lanesboro, City of	WS	50
Merrill, City of	AQ	1,000
# Tharp Production, Inc., et.al. (Mahaska Co.)	WW	3,000
Ben Haven Mobile Home Park (Quasqueton)	WS	50
# Team Pork, Inc. (Sac Co.)	WW	3,000
TOTAL		10,650

The \$5,000 penalty assessed to Lester D. Davis and Evelyn McKelvogue (Warren Co.) has been revoked.

ATTORNEY GENERAL REFERRALS

June 1, 1996

<u>Name, Location and Region Number</u>	<u>Program</u>	<u>Alleged Violation</u>	<u>DNR Action</u>	<u>New or Updated Status</u>	<u>Date</u>
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94

American Training Center, Ltd. Cedar Rapids Updated	Asbestos (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/21/96
American Training Center, Ltd. Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Continued	3/21/94 8/29/94
Ballard, Randy Fayette New	Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
DeCoster, A.J. Wright Updated	Co. (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96
Dunkel, Paul L. Delaware Co. (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	6/19/95 2/16/96
Economy Solar Corp. Ft. Madison (6)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp. Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Continued	3/21/94 8/29/94
Economy Solar Corp. Cedar Rapids Updated	(1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/21/96
Economy Corp./Central Community School DeWitt (6)		Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Ervin, Don Webster Co. (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy	4/16/90 7/13/90 9/28/90

				Application to Condemn Funds	11/27/90
				Partial Payment Received (\$331)	11/30/90
	Permit Violations	Referred to Attorney General	Referred		9/16/91
			Temporary Injunction		9/18/91
			Order of Contempt		12/20/91
			Order Granting Stay		12/26/91
			Contempt Reversed (Court of Appeals)		9/29/92
			Application for Further Review		10/16/92
			Supreme Ct. Reversed Court of Appeals		2/17/93
			Order to Serve Sentence		3/17/93
			Application for Hearing		3/18/93
			Order Denying Reconsideration of Sentence		3/19/93
			Partial Consent Decree		1/10/93
			Consent Decree (\$1,000,000/Civil)		5/30/95
ESCORP/Cryotech Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed	12/18/95 4/18/96
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed	11/21/94 4/18/96
Jarvis, Marjorie; Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Klocke, Paul and Mary Kay Carroll (4)	Flood Plain	Unauthorized Construction	Order	Referred	10/16/95
Lee, Harold and Evelyn Keokuk Co. (6) Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/16/95 5/16/96
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty,	Underground			Petition Filed	3/29/96

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Inc. Wilton (6)		d Tank	DNR Defendant	Defense	Answer Filed	4/19/96
Plantation Mobile Home Park Burlington (6)	Village	Wastewater	Monitoring/Re porting	Order/Penalty	Referred	10/16/95
Postville Pork Postville New	(1)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/20/96
Rayburn Mobile Homes Mason Updated	Court City (2)	for Drinking Water	Monitoring / Reporting; Lead & Copper	Order/Penalty	Referred Petition Filed Consent Decree (Injunction)	11/21/94 5/02/95 5/15/96
Reed, Verna and Don; Andrea Silsby Union Co. (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Smuck Des Moines (5)	Doug	Underground d Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95
Underwood, Paul Underwood and Demolition Cedar Rapids (1)	d/b/a Excavating	Air Quality	Asbestos	Order/Penalty	Referred	5/15/95
Wunschel Oil Co.; Vernus, Jaquelyn and Mark Wunschel Ida Grove (3)		Underground d Tank	Site Assessment	Order/Penalty	Referred	1/17/95

CONTESTED CASES

June 1, 1996

<u>Date Received</u>	<u>Name of Case</u>	<u>Action Appealed</u>	<u>Program</u>	<u>Assigned To</u>	<u>Status</u>
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
10-24-89	Farmers Cooperative Elevator Assoc. of Sheldon	Site Registry	HC	Kennedy	Consent order signed.

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11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	EPD considering public hearings.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-2/96.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal and Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.
9-12-90	Michael & Joyce Haws; George H. Gronau	Admin. Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR. SCR completed - payment dispute with consultant. Settlement meeting scheduled - 3/96.
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay - UST fund eligibility.
12-03-90	United States Gypsum Co.; Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up continuing 3/96.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Wornson	Settlement letter sent 8/31/94. SCR completed. Low risk monitoring site.
4-24-92	Charles A. Kerr	Admin. Order/Penalty	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	File closed. Settled.

5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors Chickasaw County Sanitary Landfill	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY 1997 budget. Letter regarding budget sent 12/19/95.
8-06-92	Randy Bonin and Vickie Brannick	Admin. Order/Penalty	SW	Kennedy	Clean-up progress is slow. Appellant's attorney to reply by 3/1/96.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Admin. Order/Penalty	UT	Wornson	Financial inability claimed. Insufficient documentation.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter 3/96.
10-06-92	Lloyd Decker	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up progressing. Next action 5/10/96.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from company. Company collecting data. Company response submitted 12/93. EPD to review information permit regarding calculations.
1-22-93	Pirelli Armstrong Tire Co.	Admin. Order/Penalty	SW	Kennedy	F.O. 5 to meet with company 2/26/96 regarding land application.
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96.
4-19-93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty settlement due.
4-26-93	Crane Co.	Admin. Order/Penalty	SW	Kennedy	DNR engineers meeting with company.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued.
7-06-93 7-28-93	Dennis E. Good Berniece K. Nease	Admin. Order	UT	Wornson	1/25/96-Letter to parties regarding new UST Fund Innocent Owner Fund and requesting settlement conference.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty.
7-20-93	U.S. Dept. of Defense	Admin. Order/Penalty	UT	Wornson	SCRs on the site and several others underway. Settlement with City of Sioux City.

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8-03-93	Waldo Vannoy	Admin. Order	UT	Wornson	Compliance initiated.
11-15-93	J.P. Scherrman, Inc.	Admin. Order/Penalty	UT	Wornson	SCR accepted. Penalty letter sent 6/14/95. No response received.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Awaiting summary of issues from attorney.
12-13-93	Lester R. Davis and Evelyn McKelvogue	Admin. Order/Penalty	AQ/SW	Kennedy	Satisfactory clean-up complete. Hearing held 5/03/96. Decision revoked penalty.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-06-94	L.F. Everett and Betty Everett	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
1-20-94	Gene Phillips d/b/a Phillips Sanitation				
1-07-94	Eli Shada	Admin. Order/Penalty	UT	Wornson	SCR received 1/18/96; under review. Penalty settlement pending.
1-18-94	M & D Tire Processing, Inc.	Admin. Order/Penalty	SW	Kennedy	Clean-up progressing. Penalty settlement pending.
1-18-94	Merrill, City of	Admin. Order/Penalty	AQ	Preziosi	Penalty paid 5/22/96. Settled.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-14-94	Economy Solar Corp. (94-AQ-04)	Admin. Order/Penalty	AQ	Preziosi	Judicial review decision received in favor of DNR. No further appeal filed.
2-15-94	Riverside Plating	Admin. Order/Penalty	WW	Hansen	Settlement offer received from company regarding penalty 2/96. Dept. letter to company regarding settlement. Response requested by 4/30/96. Company response sent 4/29/96. Additional information received 5/24/96.
2-21-94	Toys "R" Us	Admin. Order/Penalty	UT	Wornson	SCR received. Negotiating penalty.
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Railroad Northern	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent.
3-08-94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Admin. Order/Penalty	UT	Wornson	All SCRs received. Settlement meeting 2/5/95. DNR response due.
4-19-94	Galva Union Elevator Co.	Admin. Order/Penalty	UT	Wornson	Negotiating penalty.
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Wornson	Untimely appeal. No closure as of 2/96.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Wornson	Insurance to qualify for remedial benefits unpaid. Issued second Admin. Order for failure to register.
6-08-94	Larry & Kelly Miller	Admin. Order/Penalty	UT	Wornson	SCR accepted 1/26/96. Negotiated penalty.
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to

					appeal - 4/96.
6-20-94	R.D.J. Farms and Donald Vogt	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
6-24-94	Griffith Oil Corp.	Admin. Order	UT	Wornson	SCR accepted - negotiating penalty.
6-24-94	Larence Otto	Admin. Order/Penalty	UT	Wornson	SCR approved 2/1/96. Follow-up letter - 4/96.
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	In bankruptcy. 1/96 Working on fire lanes.
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Wornson	Appeal untimely. Follow-up letter - 2/96.
7-15-94	Village Oaks Homeowners	Admin. Order/Penalty	WS	Hansen	WS reviewed file for compliance. 2/96 - in compliance and eligible for reduced monitoring.
7-25-94	ACC Chemical Co.; Getty Chemical Co.	Permit Conditions	WW	Hansen	Appeal settled. Revised permit accepted by appellants. Sent to EPA for review 12/95. EPA response approving permit received. Permit issued 2/96.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Wornson	Inability to pay. Failed to return required documentation. Follow-up letter - 2/96.
8-18-94	Thomas Scheetz d/b/a The Depot Food & Fuel	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
8-29-94	Atlantic, City of	Admin. Order	WW	Hansen	Under review by EPD and FO. Contacted EPP and FO regarding appeal resolution.
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding reorganization 1/23/96.
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96.
9-23-94	Chicago and Northwestern Transportation	Admin. Order/Penalty	SW/WW	Murphy	Negotiating before filing.
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Settlement offer made 1/23/96. FO rejected offer.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW. Permits. Letter to facility regarding report.
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Wornson	Inability to pay documented. Review for USF Fund Innocent Owner or LUST Trust Fund.
10-25-94	Mike Murphy d/b/a Hawley	Admin.	AQ	Preziosi	Consent order being

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	Heating & Air	Order/Penalty			finalized.
10-26-94	Boomsma's Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10-27-94	George Dolan	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
10-31-94	Woodbury Co. Highway Dept.	Admin. Order/Penalty	UT	Wornson	SCR received - negotiating penalty.
10-31-94	Owens & Owens Realty, Inc.; Keith Owens; Howard Maurer	Admin. Order/Penalty	UT	Wornson	Proposed decision 10/5/95. Appealed 11/3/95. EPC confirmed 2/19/96. Decision appealed 3/29/96. District Court for judicial review.
11-02-94	Richard Waugh	Admin. Order/Penalty	UT	Wornson	Site check received - negotiating penalty.
11-10-94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Consultant working on permit application for AQ Bureau.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Wornson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Admin. Order/Penalty	UT	Wornson	Referral to UST Fund. Follow- up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - construction approved by WS section for chlorination equipment. 1/17/96 - Letter to City regarding resolution of appeal. No response as of 2/28/96. Dept. follow-up letter - 3/96. Response from City 4/8/96.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Wornson	Inability to pay. Forms sent. No response. Follow-up - 3/96.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 4/30/96. Facility to provide status report regarding TSS permit limit by 7/31/96.
2-27-95	Sale-R-Villa Construction	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 5/23/96. Facility to submit written proposal.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 1/23/96 regarding reorganization.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
4-19-95	Otis Schultz d/b/a Schultz Oil Co.	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
4-26-95	Larry Royer	Admin. Order/Penalty	WW	Clark	Settlement letter 1/10/96.
4-28-95	Perry, City of	Admin. Order	WW	Hansen	Proposed consent order to City 2/15/96. Response received 3/15/96. DNR response 3/29/96. Consent

					order issued 4/96. Settled.
5-03-95	Bacon Addition Homeowners Assn.	Admin. Order/Penalty	WS	Clark	Settlement contact 1/10/96.
5-04-95	Margaret & Weldon Shoppa d/b/a M & W Mobile Home Park	Admin. Order	WW	Kennedy	Letter requesting construction schedule 12/95. unsatisfactory. Response held 5/17/96. Admin. Order affirmed 5/29/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-23-95	Leonard Bormann	Admin. Order/Penalty	UT	Wornson	SCR received 10/26/95. Free product report overdue. Follow-up - 3/96.
5-25-95	Ferris Sullivan d/b/a Sullivan's Sinclair	Admin. Order/Penalty	UT	Wornson	Revised SCR received - negotiating penalty.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Admin. Order/Penalty	HC/WW	Kennedy	Hearing set for 6/28/96. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Admin. Order/Penalty	AQ	Murphy	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-01-95	Mark Twain Meadows Assoc.	Admin. Order/Penalty	WS	Kennedy	Negotiating before filing.
6-07-95	Cumberland Ridge Homeowners	Admin. Order/Penalty	WS	Kennedy	Awaiting penalty payment - due 3/1/96.
6-09-95	Don Peterson d/b/a Peterson Backhoe	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Sent to DIA.
6-16-95	Allison-Bristow Community School	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 5/8/96.
6-16-95	Allison Fire Dept.; City of Allison	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Negotiating before filing.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 2/15/96.
6-29-95	White Oaks Homeowners Assn.	Admin. Order/Penalty	WS	Hansen	Informal meeting held 3/8/96. 4/25/96 follow-up letter to facility. 5/96 - Facility response received.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting scheduled for 6/7/96.
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin.	UT	Wornson	SCR received - rejected.

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		Order/Penalty			Review progress - 4/96.
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Hearing set for 6/11/96.
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Wornson	Negotiating before filing.
8-01-95	Wilbur McNear d/b/a McNear Oil Co.	Admin. Order/Penalty	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Wornson	Compliance initiated.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
8-29-95	Iowa City, City of	Admin. Order	WW	Hansen	Schedule for amended AO agreed upon. Proposed amended AO sent to City attorney for review.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Informal meeting held 10/10/95. Information to be submitted by Kraft to WS section. Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information.
9-12-95	Colwell, City of	Admin. Order/Penalty	WS	Hansen	12/21/95 - Letter to City requiring 2nd round monitoring/reporting prior to penalty reduction discussions. 3/31/96 - no response from City.
9-20-95	EKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting waste. Renewal permit may be requested.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10-20-95	Central Community School District	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting 4/10/96. Awaiting penalty payment.
11-02-95	Salsbury Chemicals, Inc.	Permit Conditions	WW	Hansen	Informal meeting held 12/4/95. Company response 1/26/96. Review by WW permits completed 3/21/96. Under review by WW section. Response requested by 5/31/96.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
11-14-95	Mike Barker	GW Professional Denial	UT	Wornson	Settlement negotiations underway.
11-21-95	Gary Watson	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin. Order/Penalty	AQ/SW	Kennedy	Informal meeting to be held after 3/12/96.
12-13-95	Roy Burger	Admin. Order/Penalty	UT	Wornson	Compliance complete - negotiating penalty.
12-18-95	Omega Cabinets	Permit Denial	AQ	Preziosi	Settlement close. Drafting consent order.

12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Marvin Wernimont; Filter Friend Recycling	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Current owner to complete SCR.
1-04-96	Massena, City of	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6/.
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. Negotiating before filing.
1-17-96	All-States Quality Foods, L.P.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
1-18-96	Neola Light & Water	Admin. Order	WS	Hansen	Informal meeting held 3/4/96. Amended order with revised schedule to be issued.
1-19-96	Bill Shirbroun d/b/a Was Broken Pallet	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
1-24-96	Jolly Roger Campground	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney regarding settlement - due 5/30/96.
1-30-96	Dean Williams d/b/a Williams Oil Co.	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
1-31-96	Ben Haven Mobile Home Court	Admin. Order/Penalty	WS	Hansen	Letter regarding settlement 5/1/96. Penalty paid 5/15/96. Closed.
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
2-12-96	Solid Waste Management Commission of Marshall County	Tonnage Fees	SW	Kennedy	Hearing set for 5/31/96.
2-13-96	Eastern Iowa Tire Recycling	Admin. Order/Penalty	WW/SW	Kennedy	Consent order signed 5/13/96.
2-20-96	Center Point	Permit Conditions	WW	Hansen	2/96 - Settlement offer and revised permit sent.
3-04-96	Edward Bodensteiner	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
3-04-96	Ames, City of	Permit Conditions	WS	Hansen	Informal meetings held 3/22/96 and 3/28/96.
3-04-96	R.R. Donnelley Printing Co., L.P.	Permit Denial	AQ	Preziosi	Settled.

3-05-96	Montgomery County	Open Burning Variance Denial	AQ	Preziosi	Negotiating before filing.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
3-11-96	Marlin Brenneman	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Negotiating before filing.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6.
3-25-96	Case Corporation (Burlington)	Permit Conditions	WW	Hansen	4/29/96 Letter to facility regarding settlement. Revised permit sent. Appeal dismissed upon issuance of amended permit. Settled.
3-26-96	Louisa-Muscatine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
3-26-96	Peggy S. Hansen (Geise Const.)	Water Use Permit	WR	Clark	Settled 5/2/96.
4-01-96	Davenport Travel Plaza	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4-04-96	Richard Hocraffer (DeCoster Farms)	Water Use Permit	WR	Clark	Negotiating before filing.
4-11-96	Hach Company	Permit Denial	AQ	Preziosi	Settled.
4-19-96	C & I Eggs	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
5-03-96	Mildred Eileen Bentley	Admin. Order/Penalty	AQ/SW	Kennedy	New case.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	New case.
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	New case. Drafting consent order.
5-13-96	CGB Printing Co.	Admin. Order/Penalty	AQ	Preziosi	New case. Settlement meeting set for 6/13/96.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	New case.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	New case.
5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	New case.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	New case.

Mr. Stokes reviewed the monthly reports noting that the rules pertaining to laboratory certification for wastewater treatment facility samples raised questions when they went to the Administrative Rules Review Committee (ARC). The ARC voiced concerns about the costs that would be imposed and the cost to communities and have requested a nonformal economic analysis as to what the potential impact of the rules might be. He related that the economic analysis will be brought to the Commission prior to going to ARC.

Mr. Stokes noted that the Citizens Aid Ombudsman Office raised issues before the ARC regarding the rules covering Operating Permits by Rule for Small Sources, in regard to the 50% emission rate. He related that the department has invited the various stakeholders to meet on this issue later in the week. He added that the rules were approved by the ARC but some minor changes to the rule will be brought before the Commission in July to make the intent of the rules more clear.

Discussion followed on the status of the DeCoster sites.

Mr. Stokes informed the Commission that in his two-day meeting with his division managers he discussed the issue of responding to anonymous complaints. He related that both he and Mike Murphy discussed the need to respond timely and fully to complaints as well as the need to follow up on same. He expanded on this issue noting that staff have to analyze what is or is not a legitimate complaint.

Mr. Stokes noted that he distributed copies of a status report submitted by the City of Lenox and discussed same. Discussion followed regarding the amount of time given the City of Lenox to resolve their problems.

Kathryn Draeger asked if the attorneys came up with a resolution for the Thiry Lake issue.

Mr. Stokes reviewed alternatives discussed and consensus reached at the May EPC meeting. He related that the county was to investigate alternatives and pursue options that did not exceed a 10% cost differential from the cost of their current proposal. He reviewed correspondence received from the Thiry's attorney late last Friday afternoon discussing a compromise of a 30% cost differential. He added that the issue will probably come before the Commission at the July meeting.

INFORMATIONAL ONLY

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACT - IOWA FARM BUREAU FEDERATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a \$52,000 contract with the Iowa Farm Bureau Federation (IFBF) to establish a Non-point Source (NPS) Information and Education Competitive County Grant Program. The contract will be funded using EPA Section 319 nonpoint pollution control funds provided to the Department for this project and will be written for a 3 year period to begin upon DNR's receipt of the FFY96 grant award from EPA.

Contract funds will be used to provide individual grants, with a maximum of \$2,000 per grant, to county Farm Bureaus. These grants will be awarded competitively based on a review project applications submitted by county Farm Bureaus. The applications will have to identify citizen-initiated projects that are innovative and locally responsive and that support one or more of the following purposes:

- inform and educate farmers and citizens about the causes of and potential solutions to agricultural and urban NPS pollution;
- promote voluntary, proactive approaches to NPS pollution challenges;
- help prevent the need for additional, costly regulation when possible; or
- facilitate the development of local watershed partnerships.

The grant program will require a 40% or greater local cost share, with volunteer time and other in-kind services as qualifying for the match.

Mr. Stokes reviewed details of the project.

Discussion followed regarding the process used for solicitation of project proposals.

Kathryn Draeger asked if the Commission may see the overall plans.

Mr. Stokes stated that he will give a presentation on the NPS management plan at the next Commission meeting along with the request for 97 funds. He indicated that Iowa has a very good cooperative team approach with other departments and agricultural groups that are involved, which helps in getting funding awarded to Iowa. Mr. Stokes related that EPA would like the department to address more urban NPS pollution projects.

Motion was made by Gary Priebe to approve the Section 319 Nonpoint Source Pollution Control Project Contract with Iowa Farm Bureau Federation in the amount of \$52,000. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

1997 LABORATORY CERTIFICATION AGREEMENT WITH UNIVERSITY OF IOWA

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the Lab Certification Agreement with the University of Iowa's Hygienic Laboratory (UHL) for determining qualifications of laboratories requesting certification to practice the analysis of drinking water or water and soil samples for compliance with the Underground Storage Tank (UST) program or for the analysis of wastewater samples for the Wastewater Program.

The total amount of the agreement is estimated at \$89,935. Attached is a summary of the projected costs broken down by program area. The agreement amount reflects UHL's best estimate of their actual costs plus the University of Iowa's indirect cost rate. The agreement will be supported by fees from the laboratories being certified. Under Iowa Code §455B.103, the Department is required to contract with the UHL for these services unless the required services cannot be provided by the UHL.

9.1 Quarterly Payments

The following schedule covers the agreement amounts paid quarterly from Section 3.4 C for completed work for Section 3.3.

AGREEMENT AMOUNTS PAID QUARTERLY

<u>BILL</u> <u>RECEIVED BY</u>	<u>Water Supply</u> <u>Laboratory</u> <u>Certification</u> <u>COST</u>	<u>Underground Storage</u> <u>Tank Laboratory</u> <u>Certification</u> <u>COST</u>	<u>NPDES</u> <u>Laboratory</u> <u>Certification</u> <u>COST *</u>	<u>Clerical</u> <u>Assistance</u> <u>COST</u>
October 15, 1996	\$ 3,125	\$ 0	\$ 0	\$9,983.75
January 15, 1997	\$ 3,125	\$ 0	\$ 12,500	\$9,983.75
April 15, 1997	\$ 3,125	\$ 0	\$ 12,500	\$9,983.75
July 15, 1997	\$ 3,125	\$ 0	\$ 12,500	\$9,983.75
Fixed Agreement Amount Subtotals	\$ 12,500	\$ 0	\$ 50,000	\$39,935

TOTAL FIXED AGREEMENT AMOUNT \$89,935

* The rules for activation of this section have not been finalized. This section is on hold till further notification from the Department. DNR will notify UHL by letter of the effective date for this section. If DNR fails to get approval for the rules this section will not be performed.

9.2 Amounts paid on a fixed price

Agreement amounts paid on a fixed price per product basis will be paid for on an as used basis. Amount paid will be based on an itemized invoice based on the calculation contained in Article 3.4.

A. Potential Additional Water Supply Laboratory Certification Fees

Amounts to be Billed Prior to July 15, 1997

Potential Additional Fee for Water Supply Laboratory Certification repeat visits = \$300 x Number of repeat visits.

Additional Visit Fees

Potential Additional Fee for additional performance evaluation samples for Water Supply Laboratory Certification = Up to \$100 per performance evaluation sample.

Additional Performance Evaluation Fees

Potential Additional Fee if more than 25 labs are examined = (Total labs - 500) x \$500.

Additional Laboratory Fees

B. Potential Additional Underground Storage Tank Laboratory Certification Fees

Amounts to be Billed Prior to July 15, 1997

Potential Additional Fee for Underground Storage Tank Laboratory Certification repeat visits = \$300 x Number of repeat visits.

Additional Visit Fees

Potential Additional Fee if more than 0 labs are examined = (Total labs - 0) x \$550.

Additional Laboratory Fees

C. Potential Additional NPDES Laboratory Certification Fees

The rules for activation of this section have not been finalized. This section on hold till further notification from the Department. DNR will notify UHL by letter of the effective date for this section. If DNR fails to get approval for the rules this section will not be performed.

Amounts to be Billed Prior to July 15, 1997

Potential Additional Fee for NPDES Laboratory Certification repeat visits = \$300 x Number of repeat visits.

Additional Visit Fees

Potential Additional Fee if more than 75 labs are examined = (Total labs - 75) x \$500.

Additional Laboratory Fees

Mr. Stokes explained details of the agreement.

Brief discussion followed.

Motion was made by Verlon Britt to approve the 1997 Laboratory Certification Agreement with University of Iowa UHL as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

AIR QUALITY AGREEMENT WITH UNI AIR EMISSIONS ASSISTANCE PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the SFY 1997 Agreement with the University of Northern Iowa to provide small businesses with technical assistance related air pollution control. This contractual agreement stipulates the objectives and work schedule that the Iowa Air Emissions Assistance Program (IAEAP), University of Northern Iowa, has agreed to fulfill July 1, 1996 through June 30, 1997.

IAEAP was developed in response to the 1990 Clean Air Act Amendments which mandate that each state government provide assistance to small businesses in order to fulfill requirements pursuant to Section 507 (Small business stationary source technical and environmental compliance assistance program) of the 1990 Clean Air Act Amendments. This contract

represents the fifth year that the Department of Natural Resources (DNR) has provided support for the IAEAP and its activities.

The total amount proposed for UNI for these activities for the SFY 1997 agreement term is \$310,000. This is the same level of support as provided in SFY 1996. The agreement amount reflects the best estimate of their actual costs plus their indirect cost rate. The funding will be supported by funds from Title V fees.

Mr. Stokes gave a detailed explanation of the agreement.

Motion was made by Charlotte Mohr to approve the Air quality Agreement with UNI Air Emissions Assistance Program in the amount of \$310,000. Seconded by Kathryn Murphy.

Discussion followed regarding the program budget.

Vote on the motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT AMENDMENT FOR COMPUTER BASED FILING SYSTEM FOR AIR QUALITY OPERATING PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an amendment to the existing contract (for a computer system for the electronic storage and distribution of AQ operating permit records) with WANG.

The proposed amendment is for additional programming by WANG Laboratories to significantly increase the types of information which can be collected in the database and to check this information for reasonableness and consistency between different sections of the application; and incorporation of automated data recognition tools for the initial data entry to identify key data elements on individual pages. This will cost an additional \$102,500.

This change provides an enhanced database to collect additional information from the application and provides for timely entry of much more complete data from the application and checking this information for reasonableness and internal consistency within the application. The database serves both to locate individual images and to assess the information contained in the applications. This change will allow significant improvements in staff efficiency by much more precise location of individual images, much more complete information in the newly expanded database and much greater use of the computer to locate inconsistencies in the database.

Both of these activities must be completed before the system can be expanded to the construction permit program and before the department can fully implement Electronic Data Exchange. It was planned that these details would be developed by DNR staff at a later date. Unfortunately, review of applications during the program design phase of this project showed that later development of these features would require substantial duplication of data entry work. This duplication would substantially increase implementation costs as well as result in significant delays expanding the system to the construction permit program as well as implementing Electronic Data Exchange. The Commission is asked to approve this contract amendment in order to avoid the additional implementation costs associated with delayed implementation and to implement those features requested by industry as quickly as possible.

Mr. Stokes explained the contract amendment noting the work could be done after the imaging system is installed but it would be quicker and cheaper to do it up front.

A lengthy discussion followed regarding why it was not included in the original budget; staff expectations altering from original plans; and accomodating problems which have arisen to date.

Kathryn Murphy asked if staff could prepare a cost comparison between adding the programming now or doing it at a later date.

Mr. Stokes indicated that he will provide a cost comparison.

Further discussion took place regarding costs and deferring action on the item until more cost/savings information is provided.

Motion was made by Gary Priebe to defer the Contract Amendment for Computer Based Filing System for Air Quality Operating Permits until the July meeting. Seconded by Kathryn Draeger. Motion carried unanimously.

DEFERRED UNTIL JULY MEETING

FINAL RULE--CHAPTER 65.18(1), MANURE MANAGEMENT PLANS FOR EXPANDED ANIMAL FEEDING OPERATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached for the Commission's consideration is a Final Rule which would amend subrule 567-65.18(1) regarding manure management plans (MMPs) for confinement feeding operations with formed manure storage structures not requiring a construction permit. The amendment would make the MMP requirements for expanded confinement feeding operations the same as for new confinement operations of a similar size. The amendment will also eliminate a potential loophole which livestock producers could use to avoid MMP requirements.

The current rule requires that a manure management plan be developed and provided to the Department for new (i.e., first occupied after 9/22/95) facilities with an animal weight capacity of greater than 200,000 pounds but less than the construction permit threshold. However, a MMP is not required for an existing operation that expands to a size that exceeds 200,000 pounds but is still below the construction permit threshold. The rule amendment will correct this inequity by requiring such expanded operations to develop and file a MMP.

Two public hearings were held and comments were accepted through March 6, 1996. Only four comments were received during the public comment period, with all comments opposed to the proposed rule amendment. In general, the persons and organizations providing comments argued that the intent of rule 65.18 was to prevent large operations from avoiding MMP requirements by building a series of smaller operations which were just below the construction permit threshold, not to remove the "grandfathering" provisions for similar-sized operations that expand but remain under the permit threshold.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code Supplement section 455B.173(13), the Environmental Protection Commission amends Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

The amendment as adopted by the Environmental Protection Commission on June 17, 1996 clarifies the applicability of subrule 65.18(1) regarding manure management plans for confinement feeding operations utilizing formed manure storage structures which do not require a construction permit. The amendment will clarify that existing operations which are expanded are subject to the same manure management plan requirements as new operations.

Notice of Intended Action was published in the February 14, 1996 Iowa Administrative Bulletin as ARC6245A. Two public hearings were held and comments were accepted through March 6, 1996. Four comments were received during the public comment period with all comments opposed to the rule amendment. Notwithstanding the adverse comments, the Commission feels that the proposed rule will correct an existing inequity by requiring that certain existing confinement feeding operations which are expanded will be subject to the same manure management plan requirements as similarly-sized new operations. The amendment as adopted is substantially the same as proposed in the Notice with only one grammatical change being made.

This amendment is intended to implement Iowa Code Supplement section 455B.173(13) and will become effective on August 21, 1996.

The following amendment is adopted.

ITEM 1. Subrule 65.18(1), paragraphs "b" and "c," are amended to read as follows:

b. ~~Is first occupied by~~ Contains animals, other than bovine, and is first occupied after September 22, 1995, or is expanded after August 21, 1996; and

c. Has an animal weight capacity of more than 200,000 pounds but less than the construction permit requirement in this chapter and former chapter 65 for formed manure storage structures in effect at the time construction of the new or expanded operation was begun, as defined in rule 65.7(455B); shall provide the department with a manure management plan meeting the requirements of this rule no later than 60 days prior to the first land application of the manure from the newly constructed or expanded formed manure storage structure. To determine the animal weight capacity of a confinement feeding operation confining more than one species of animals or storing manure in more than one form, the animal capacity of bovine animals or animals confined in structures with manure stored exclusively in a dry form shall be excluded.

(Copies of the public comments are on file in the department's Records Center)

Mr. Stokes provided a history of the rules noting that staff did not receive a favorable response when it went to public comment and so staff suggested dropping the rulemaking. He reviewed that last month the issue was presented for termination of rulemaking and the Commission rejected it. He related that the rules are now being presented for final adoption.

Appointment - Chris Gault

Chris Gault, Iowa Farm Bureau, stated that the amendment to the rules will affect only those producers who have less than 200,000 pounds and were in existence prior to last September. The impact will be mainly on small swine producers. She expressed concern that more regulations on existing small producers will discourage them from expanding. She noted that when HF 519 was passed it specifically exempted existing small operations from some of the regulations when they are being expanded. She cited examples of some exemptions dealing with separation distances. Ms. Gault related that HF519 encourages existing small producers to expand, and this rule would go against the basic legislative intent of that bill. She stated that one concern when this amendment was introduced was that an integrator could buy an existing site, under 200,000 pounds, and then expand it without having a manure management plan (MMP). She stated that if that is the Commission's concern, she would encourage them to adopt language that specifically addresses integrated purchases in operations that are under 200,000 pounds. She related that she has some suggested language to address that issue. Ms. Gault noted that one reason for introducing this amendment was to treat like-operations the same. She expanded on that issue and noted that the regulations this amendment would put on small producers would require them to do a MMP. She related that MMP's for these small producers should be done voluntarily and not be mandated. She encouraged the Commission to either terminate the rulemaking or to address the specific instance where an integrated would buy an existing small operation to expand.

Gary Priebe stated that this still does not address the question he raised last month, which was that the rules would allow someone with up to 600,000 pounds of hogs to have them on a five acre piece of land without any MMP of any kind. He displayed a copy of a MMP he received from Murphy Farms and stressed that it is confidential, and he described some of the information that is required/included in a typical MMP. He stated that he is at a quandry with this item because he does not want more rules and regulations, but he also does not want someone to expand an existing confinement on a ten acre parcel and not have a place to dispose of the animal manure.

Discussion followed regarding the 9/22/95 date and a grandfathering clause, and the costs to a producer in time and dollars as a result of the rules.

Appointment - LeRoy Stoltenberg

LeRoy Stoltenberg, Iowa Pork Producers Association (IPPA), distributed and read a written statement to the Commissioners and mentioned that Chris Gault covered most of the issues in his statement. He noted that IPPA submitted written comments to the rules submitted for notice and comment in February. He related that the rules developed by ACCO and emergency adopted by the Commission on September 22, 1995 was done in response to a specific concern that new formed structure sites were being built which did not require a construction permit and, therefore, did not require a MMP. He related that the concern was not with the expansion of existing sites, but with the construction of new sites and the possibility of the concentration of new sites since the MMP was not required. He noted that the rule was drafted to apply only to certain swine confinement feeding operations first occupied after September 22. He pointed out that the rule before the Commission today would require existing operations with more than 200,000 pounds, which expand on the same site but remain below the permit threshold, to develop and submit a MMP. Mr. Stoltenberg stressed that the IPPA remains opposed to the broadening of the scope of this rule and expanded on requirements of the rule. He noted that IPPA continues to support termination the rulemaking as proposed by DNR in May, and opposes the amendment offered to the Commission today, by the department. He noted that termination of the rulemaking will not invalidate the action taken by the Commission in September, therefore, such action will not allow operators with pending enforcement actions to expand existing sites above 200,000 pounds. Mr. Stoltenberg stated that while the IPPA believes the focus should remain on the construction of new sites they support an alternative that requires a MMP for sites purchased and expanded after the effective date of this rule. To lessen the impact of the rule on producers, only those operations purchased from nonrelated parties would be required to file a MMP under this alternative. He related that the alternative is somewhat broader but remains close to the action taken by the Commission in September.

Gary Priebe stated that he agrees in most part with Mr. Stoltenberg's statement but reiterated that he has concerns with producers on small acreage areas. He suggested possibly deferring the rules today and have staff, the ARC, a representative of the legislature, pork producers, etc., get together to work out the problems.

Discussion followed regarding family operation expansions, stewardship of the land, and MMPs.

Director Wilson commented that he agrees with Commissioner Priebe adding that, as he understands it, Commissioner Priebe is implying there is a need for a smaller, abbreviated form of an MMP for the small producers.

Mr. Stokes stated that if the rule is significantly altered it would require taking it through the public hearing process again. He added that if the proposed alternative language is used it would depend on the legal side of it as to whether it would need to go back to public comment. He related that unless minor changes are made he would recommend taking it back out to public hearing.

Motion was made by Charlotte Mohr to table the Final Rule for Chapter 65.18(1) until the July meeting. Seconded by Verlon Britt. Motion carried unanimously.

TABLED UNTIL JULY MEETING

NOTICE OF INTENDED ACTION--CHAPTER 65, 68, AND 121, NAVIGABLE WATERS AND MANURE APPLICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached for the Commission's consideration is a draft NOIA which would initiate rule making to:

- Amend Table 1, Navigable Rivers and Streams, and Table 2, Navigable Lakes, of Chapter 65, Animal Feeding Operations, to designate additional rivers, streams and lakes as navigable waters subject to separation distances for animal feeding operation structures. The Commission previously adopted a partial list of navigable rivers, streams and lakes with the understanding that the lists were not a comprehensive list of waters meeting the navigability test of HF519. The Department's staff was directed to prepare a more comprehensive list for the Commission's consideration and the proposed amendments represent the results of that effort. Input was solicited from all county conservation boards as well as the Department's Fish and Wildlife Division in the preparation of the proposed additions. The NOIA also proposes amendments to the existing lists to correct location errors or to remove waters found to not meet the navigability test of HF519.
- Amend the references to "Guidelines of Iowa Water Quality Commission on Land Disposal of Animal Wastes" contained in Chapter 68, Commercial Septic Tank Cleaners, and Chapter 121, Land Application of Wastes, to reflect the manure disposal requirements of Chapter 65, Animal Feeding Operations. Land application of animal wastes is now covered by Chapter

65 rules rather than the referenced Guidelines and the proposed amendments would simply be technical corrections to reflect this. No changes to the actual manure disposal/management provisions of Chapter 65 are being proposed.

The proposed amendments include a stream identified as a drainage ditch and there was a question as to whether drainage ditches could be included as navigable streams. The argument could be made that since HF519 establishes a separation distance of 200 feet from any "...lake, river or stream...", but does not specifically mention "drainage ditch" or "ditch", the separation distance would not apply to drainage district ditches. A review of relevant statutes and case law shows that this is not a valid argument and that within the intent of HF519, navigable streams and rivers would include drainage district ditches that meet the navigability test of HF519. The list of navigable streams and rivers is being adopted solely for the purpose of identifying navigable waters subject to the separation distance of HF519. Adoption of the list of waters will not establish a public right of navigation for the listed streams and rivers. Such public rights are already established under Chapter 462A, Water Navigation Regulations.

Environmental Protection Commission [567] Notice of Intended Action

Pursuant to the authority of Iowa Code Supplement sections 455B.173(13), the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 65, Animal Feeding Operations, Chapter 68, Commercial Septic Tank Cleaners, and Chapter 121, Land Application of Wastes.

Iowa Code Supplement section 455B.204 provides that an animal feeding operation structure shall be at least two hundred feet away from a lake, river, or stream which can support a floating vessel capable of carrying one or more persons during a total of a six-month period in one out of ten years, excluding periods of flooding. An initial list of navigable streams, rivers and lakes subject to the separation distance was adopted by the Commission and can be found in Tables 1 and 2 of Chapter 65. However, it was realized that the lists were not comprehensive lists of navigable waters and the Commission intended to amend those tables to add waters after consultation with local officials.

County conservation boards as well as the Department of Natural Resources' Fish and Wildlife Division were subsequently contacted for suggested additions to the lists of navigable streams, rivers and lakes. Items 1, 2, 3 and 4 reflect the proposed additions and changes to Tables 1 and 2 of Chapter 65. Items 1 and 2 add new waters to the lists of navigable streams and lakes and Items 3 and 4 amend the existing lists to modify the extent of the navigable portions of streams, to correct locations, or to remove waters that were found not navigable.

Items 5 and 6 make non-substantive changes to Chapter 68, Commercial Septic Tank Cleaners, and Chapter 121, Land Application of Solid Wastes, to reflect the animal manure management requirements of Iowa Code Supplement section 201, et seq, and Chapter 65 rules. The existing language in Chapters 68 and 121 refers to the guidelines for land disposal of animal wastes in

Chapter 65 whereas the disposal of animal wastes is now governed by a combination of guidelines and mandatory measures (e.g., manure management plans).

Any interested party may provide written or oral comments on the proposed amendments on or before _____. Written comments should be directed to Jack Riessen, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, FAX 515-281-8895. Public hearings to accept oral or written comments will be held as follows:

Five public hearings are being scheduled in early August at Manchester, Mt. Pleasant, Des Moines, Emmetsburg, and Atlantic.

Any person who intends to attend a public hearing and has special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments may impact small businesses.

These amendments are intended to implement 1995 Iowa Acts, House File 519, section 22.

The following amendments are proposed:

ITEM 1. Amend Table 1, Navigable Rivers and Streams, of Chapter 65, Animal Feeding Operations by adding the following stream segments:

COUNTY	RIVER/STREAM	LOCATION
Blackhawk	Buck Creek	All
	Crane Creek	Mouth to North County Line
	Miller's Creek	Mouth to West Line, S5, T87N, R12W
	Spring Creek	Mouth to Confluence with Little Spring Creek, S11, T87N, R11W
Boone County	Squaw Creek	West Line of S8, T85N, R25W to East County Line
Bremer County	Crane Creek	South County Line to North Line, S9, T91N, R12W
	East Fork Wapsipinicon River	Mouth to North County Line
	Little Wapsipinicon River	East County Line to North Line, S2, T92N, R11W
	Quarter Section Run	Mouth to West Line, S35, T91N, R13W
Buchanan	Buck Creek	Mouth to West County Line
	Buffalo Creek	Mouth to Confluence of East and West Branches, S35, T90N, R8W

	Little Wapsipinicon River	Mouth to North County Line
	Otter Creek	Mouth to Confluence with Unnamed Creek, S9, T90N, R9W
Butler	Beaver Creek	All
	Boylan Creek	Mouth to North Line, S23, T92N, R18W
	Coldwater Creek	Mouth to West Line S5, T93N, R18W
	Flood Creek	Mouth to North County Line
	Hartgrave Creek	Mouth to West County Line
	Johnson Creek	West County Line to Confluence with Beaver Creek
Calhoun	South Beaver Creek	Mouth to South County Line
	Camp Creek	Mouth to North Line S25, T87N, R33W
	Lake Creek	Mouth to West Line S25, T87N, R34W
Cherokee	Silver Creek	Mouth to North Line of S34, T90N, R40W
Chickasaw	Crane Creek	All
	East Fork Wapsipinicon River	South County Line to Confluence with Plum Creek, S16, T95N, R12W
Clayton	Little Wapsipinicon River	Mouth to North County Line
	Elk Creek	Mouth to Steeles Branch, S26, T91N, R4W
	Robert's Creek	Mouth to confluence with Silver Creek, S17, T94N, R5W
Delaware	Buffalo Creek	All
	Coffin's Creek	Mouth to Road Crossing, Center of S26, T89N, R6W
	North Fork Maquoketa River	All
	Plum Creek	Mouth to Confluence with Penn's Br., S18, T88N, R3W
Dubuque	South Fork Maquoketa River	Mouth of West County Line
	Little Maquoketa River	Mouth to Confluence with North Fork Little Maquoketa River, S31, T90N, R1E
	North Fork Little Maquoketa River	Mouth to confluence with Middle Fork Little Maquoketa River, S35, T90N, R1E
	Lytle Creek	South County Line to Confluence with Buncombe Creek, S19, T87N, R2E
	Whitewater Creek	South County Line to confluence with John's Creek, S25, T87N, R1W
Fayette	Little Wapsipinicon River	All
Floyd County	Flood Creek	South County Line to Road Crossing, S32, T96N, R17W

	Rock Creek	Mouth, S24, T97N, R17W to North County Line
Greene	Buttrick Creek	Mouth to North County Line
Guthrie	Brushy Creek	Mouth to North Line of S35, T81N, R33W (County Road F24
	Mosquito Creek	S36, T81N, R32W to Hwy 4, S17, T81N, R30W
	Middle River	South County Line to County Road N54
	Willow Creek	Mouth to North County Line
Henry County	Crooked Creek	All
Howard	Crane Creek	South County Line to Hwy. 9
	Little Wapsipinicon River	South County Line to North Line S23, T98N, R14W
	North Branch Turkey River	Mouth to Highway 9
Jackson	Bear Creek	Mouth to West County Line
	Deep Creek	Mouth to South County Line
	Lytle Creek	Mouth to North County Line
	Prairie Creek	Mouth to Hwy 64, S20, R84N, R3E
Jefferson County	Crooked Creek	All
Jones	Whitewater Creek	Mouth to North County Line
Linn	Buffalo Creek	All
Louisa	Honey Creek	Mouth to East Line of S25, T76N, R5W
	Short Creek	Mouth to West Line of S6, T75N, R5W
	East Fork Crooked Creek	All
	Buffington Creek	Mouth to West Line of S18, T74N, R5W
	Indian Creek	Mouth to North Line of S1, T75N, R4W
	Otter Creek	Mouth to South Line of S16, T73N, R4W
	Roff Creek	Mouth to South Line of S36, T732N, R4W
	Johnny Creek	Mouth to East Line of S6, T74N, R4W
	Honey Creek	Mouth to South Line of S32, T73N, R3W
	(Morning Sun Twp.)	
	Smith Creek	Mouth to West and South Lines of S35, T73N, R3W
Madison	North Branch North River	Mouth to West County Line
	North River	East County Line to East Line of S17, T76N, R28W
Mitchell	Deer Creek	Mouth to West County Line, S6, T99N, R18W

O'Brien Palo Alto	Rock Creek	South County Line to Road Crossing, West Line S7, T97N, R17W
	Spring Creek	Mouth to North Line of S29, T98N, R16W
	Turtle Creek	Mouth to North Line S7, T99N, R15W
	Ocheydan River	All
Pocahontas	Cylinder creek	Mouth to confluence with DD#21, S24, T95N, R32W
	Jack Creek	Mouth to West Line of S11, T97N, R33W
	North Branch Lizard Creek	Mouth to North Line of S6, T91N, R31W
Polk	Indian Creek	All
	Walnut Creek	All
	Four Mile Creek	Mouth to South Line of S1, T80N, R24W
Story	Indian Creek	South County Line to confluence with East and West Branches in S16, T82N, R22W
	East Indian Creek	Mouth to Highway 30
	Squaw Creek	Mouth to West County Line
Webster Winneshiek	West Indian Creek	Mouth to Highway 30
	South Branch Lizard Creek	Mouth to West County Line
	Little Turkey River	All
Wright	Turkey River	All
	Otter Creek	Mouth to West Line S14, T92N, R26W

ITEM 2. Amend Table 2, Navigable Lakes, of Chapter 65, Animal Feeding Operations by adding the following waterbodies:

COUNTY	LAKE	LOCATION
Blackhawk	Mitchell Lake	Waterloo
Calhoun	Calhoun Wildlife Area	4 Miles East of Manson
	Hwy. 4 Recreation Area	1 Mile South of Rockwell City
	South Twin Lake	5 Miles North of Rockwell City
Crawford	Ahart/Rudd Natural Resource Area	2 Miles South of Dow City, S21, T82N, R40W
Chickasaw	Airport Park Lake	S35, T96N, R13W
	Split Rock Park Lake	5 Miles Southwest of Fredericksburg
Clay	Elk Lake	3 Miles South, 1 Mile West of Ruthven
Dubuque	Heritage Pond	2 Miles North of Dubuque on Rupp Hollow Road
Franklin	Maynes Grove Lake	4 Miles South of Hampton on Hwy. 65

Hamilton	Andersen Lake/Marsh	1 Mile East of Jewell
	Bjorkboda Marsh	S36, T86N, R26W
	Gordons Marsh	S33 and 34, T88N, R26W
Henry	City of Westwood Pond	S11, T71N, R7W
	Gibson Park Pond	S28, T71N, R7W
	East Lake Park Pond	Mt. Pleasant
	Crane's Pond	Mt. Pleasant
Louisa	Cone Marsh	10 Miles Northwest of Columbus Jct.
	Indian Slough	4 Miles Northwest of Wapello
	Iowa Slough	3 Miles Southeast of Oakville
Marion	Roberts Creek Lake	S28, 29, 33 and 34, Summit Twp,
Monona	Utterback Pond	3 Miles North, 3 Miles West of Castana
	Peters Park Pond	1 Mile East of Rodney
O'Brien	Hagan Wildlife Pond	
	Negus Wildlife Area Pond	S30, T94N, R39W
	Tjossem Park Ponds	S6 T95N, R40W
Osceola	Ashton Park Lake	S14, T98N, R42W
	Ashton Pits Access Area	S11, T98N, R42W
	Iowa Lake	S9, T100N, R39W
	Leinen Pits	S25, T99N, R42W
	May City Pit	S5, T98N, R39W
	Ocheyedan Pits	S24, T99N, R40W
	Peters Pits	S19, T100N, R42W
	Thomas Pit	S36, T99N, R40W
	Willow Creek Lake	S31, T100N, R40W
Palo Alto	Virgin Lake	2 Miles South of Ruthven
	Rush Lake	9 Miles West of Mallard
Plymouth	Hillview Lake	1 Mile Northwest of Hinton
	Silver Maple Primitive Area	3 Miles Southeast of Akron
	Lake	
	Southeast Wildwood Park	3 Miles Northeast of Kingsley
	Pond	
Polk	Two Dam Pond	Jester Park near Polk City
	Skull Pond	Jester Park near Polk City
	Teal Pond	Jester Park near Polk City
	Case's Lake	Des Moines, S13, T78N, R24W
	Carney Marsh	Ankeny
	Yellow Banks Park Pond	4 Miles Southeast of Pleasant Hill
	Thomas Mitchell Park Pond	2 Miles Southwest of Mitchellville
	Engledinger Marsh	6 Miles Northwest of Bondurant
Story	McFarland Lake	4 Miles Northeast of Ames
	Dakin's Lake	1/2 Mile North of Zearing
	Hendrickson Marsh	3 Miles Northeast of Collins
Wayne	Medicine Creek Wildlife Area	6 Miles East of Lineville
	Complex	

Wright

Wall Lake

10 Miles Southeast of Clarion

ITEM 3. Amend Table 1, Navigable Rivers and Streams of Chapter 65, Animal Feeding Operations as follows:

COUNTY	RIVER/STREAM	LOCATION
Allamakee	Paint Creek	Mouth Confluence with Little Paint Creek, S33, T97N, R3W, upstream to Road Crossing in S18, T97N, R4W
	Yellow River	Mouth, S34, T96N, R3W to West Line S24, T96N, R5W Confluence with Upper Branch Yellow River, S4, T96N, R6W
Appanoose	North Chariton River	Rathbun Lake to Hwy. 14
Benton	Bear Creek	North Benton County Line to Mouth at Cedar River, S21, T86N, R10W
	Opossum Creek	SE¼ S5, T84N, R9W to East Benton/Linn County Line
Buchanan	Beaver Creek	All
Buena Vista	Hartgraves Creek	West County Line to Mouth at West Fork of Cedar River
Calhoun	Cedar Creek	South County Line to S31, T87N, R31W Confluence with West Cedar Creek
Cedar	Clear Creek	East Line of S21, T82N, R4W to Mouth at Cedar River
Clayton	Maquoketa River	South County Line Confluence with South Fork Maquoketa River, S16, T90N, R6W Delaware County, upstream to North Line S31, T91N, R6W
Clinton	Drainage Ditch 12	South West Line of S30, T82N, R2E to Mouth at the Wapsipinicon River
	Harts Mill Creek	South East Line of S8, T81N, R6E to Mouth at Mill Creek
Delaware	Twin Springs Creek	Mouth, S2, T90N, R4W, to Spring Source S12, T90N, R4W
Dubuque County	Catfish Creek	Mouth to North Line of S16, T88N, R2E, to South Line S17, T88N, R2E
	North Fork Maquoketa River	All South County Line to Confluence with Hewitt Creek, Sec. 29, T89N, R2W

Fayette	Bass Creek a/k/a Turners	Mouth, S3, T95N, R9W to West Line S3, T95N, R9W
	Volga River	East County Line to South Line S22, T93N, R8W <u>Confluence with Little Volga River, S2, T92N, R9W</u>
Grundy	North Black Hawk Creek	NE¼ S8, T88N, R15W to Blackhawk County Line Mouth
	Wolf Creek	N½ of S31, T86N, R17W to Black Hawk <u>Tama County Line</u>
Hamilton	Skunk River	<u>South County Line to Hwy. 175 County Road D41</u>
Howard	Turkey River	East Line S12, T98N, R11W to Hwy. 9 County Line to West Line of S1, T98N, R12W
	Upper Iowa River	East Line S12, T100N, R11W to North Line S11, T100N, R14W All
	Wapsipinicon River	South Line S17, T97N, R14W to West Line S19, T98N, R14W All
Keokuk	South Fork, English River	West County Line to Mouth at the English River All
Louisa	Big Slough Creek	East Line of S7, T74N, R5W to Mouth at Long <u>Buffington Creek</u>
Mitchell	Beaver Creek	Mouth at S1, T98N, R16W to North Line S8, T99N, R15W
	Wapsipinicon River	Town of McIntire upstream East County Line upstream to North Line S20, T100N, R15W
Muscatine	Mud Creek	West Line of S5, T78N, R1E to Mouth at <u>Mississippi River Sugar Creek</u>
Plymouth	North Branch, Lizard Creek	North Line of S6, T91N, R31W to Mouth with Lizard Creek
Sioux	Roock River	All
Wayne	North Chariton River	Rathbun Lake to Hwy. 14 All
Winneshiek	Bear Creek	Confluence with North Bear Creek S25, T100N, R7W upstream East County Line to County Road A24 in <u>S34, T100N, R15W</u>
	Canoe Creek	County Road W38N, S23, T99N, R8W upstream East County Line to West Line S8, T99N, R8W
	Nichols Creek	Mouth S18, T100N, R10W to West Line S18, T100N, R10W
	Silver Creek	Mouth at Upper Iowa river to North Line S26, T100N, R9W

ITEM 4. Amend Table 2, Navigable Lakes, of Chapter 65, Animal Feeding Operations as follows:

COUNTY	LAKE	LOCATION
Palo Alto	Elk	1 mile West, , 3 miles South of Ruthven

ITEM 5. Amend Subrule 68.9(2) as follows:

68.9(2) Disposal of waste from animal confinement feeding operations shall be consistent with the guidelines in provisions of 567--Chapter 65 for land disposal of animal wastes. Animal wastes from an animal confinement feeding operation shall be applied in accordance with the provisions applicable for that facility.

ITEM 6. Amend Subrule 121.1(1) as follows:

121.1(1) General. This chapter shall apply to the land application of solid wastes, except domestic septage, sewage sludge, animal manure, animal bedding and crop residue. Land application of animal manure should be in conformance with "Guidelines of Iowa Water Quality Commission on Land Disposal of Animal Wastes" following the provisions of 567—Chapter 65. Land application of water supply sludge and certain other approved wastes is governed by 121.2(455B). Land application of other waste without a permit is governed by 121.3(455B). Land application of wastes which require a permit is governed by 121.4(455B). These rules establish permit requirements and exemptions for home and crop use and general exemptions for other wastes, contamination levels and other requirements for the disposal of solid wastes by land application. Land application of sewage sludge is governed by 567—Chapter 67.

Mr. Stokes reviewed the rules in detail noting that in some certain circumstances drainage ditches could be considered navigable waters.

Chairperson King asked about the definition of the navigability test.

Mr. Stokes read the following definition of navigable waters from the Code: "navigable waters is that which can support a floating vessel capable of carrying one or more persons during a total of a six month period in one out of ten years, excluding periods of flooding."

Motion was made by Gary Priebe to approve Notice of Intended Action--Chapters 65, 68, and 121, Navigable Waters and Manure Application. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 53, PROTECTED WATER SOURCES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to amend Chapter 53. The amendment is intended to designate the area surrounding the former Ralston industrial disposal site in Cedar Rapids as a protected water source. This designation (the first of its kind) will enable the Department to restrict or deny withdrawal of groundwater within the designated area. The restriction will allow the Department to see if withdrawals will be impacted by contamination from the Ralston site or cause an expansion in the area of groundwater contamination.

Rockwell International, Inc., the party responsible for the Ralston site, has petitioned the department for this designation. Rockwell is in the process of completing extensive cleanup actions at the Ralston site. Some residual groundwater contamination is anticipated despite these efforts.

The potential loss of water resources resulting from this proposed designation is considered to be minor. The entire area is serviced by municipal water supplies. The Cedar Rapids and Marion water supplies and the Linn County Health Department have been appraised of this proposal.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes reviewed details of the rule explaining that it essentially establishes a one mile radius from a designated point on the site around which, if there were requests for water withdrawal, the department could look at it and use as a basis for denying the water withdrawal or the expansion of the existing withdrawal based upon the evaluation of what the impacts would be on spreading the contamination or bringing it into a water source.

Gary Priebe asked if staff are aware of any wells that may be impacted by the rule.

Mr. Stokes responded that he is not aware of any at this time. He noted that Linn County Health Department will refer any application for a private well in the protected area to the DNR staff for review and clearance before issuing any permits.

Chairperson King asked if this is a residential area.

Chuck Hallier

Chuck Hallier, Rockwell International, stated that this site is his responsibility for cleanup. He noted that in response to Commissioner Priebe's question there are six private wells within a one mile radius and they are all sampled on a quarterly basis under a Consent Order. He related that one of the wells has shown slight contamination, well below the drinking water quality level. He noted that the only large water source he is aware of is Rockwell's own well which is on site. He added that it is surrounded on all four sides by residential-like commercial types of

businesses. Mr. Hallier stated that municipal water is readily available from Hiawatha, Marion and Cedar Rapids.

Gary Priebe asked who will pay the costs if an individual has contamination in their private well and needs to connect to the municipal water supply.

Mr. Hallier indicated that there are options to address those types of things and Rockwell would look at paying for it.

Discussion followed in regard to ongoing sampling, monitoring, and steps that have been taken to clean up the site.

Motion was made by Terrance Townsend to approve Notice of Intended Action--Chapter 53, Protected Water Sources. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

TERMINATION OF PRIOR NOTICE OF INTENDED ACTION, EMERGENCY RULE ADOPTION AND NEW NOTICE OF INTENDED ACTION, AMENDMENTS TO CHAPTER 135, RBCA RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt and file emergency the amendments to Chapter 135 (Amendments will be sent under separate cover). The amendments incorporate policies and procedures for applying "risk based corrective action" for evaluating petroleum contamination and determining a corrective action response.

These amendments were first adopted for notice of intended action at the October 16, 1995 commission meeting. Because Iowa Code Section 17A.4(1)(b) requires that proposed rules be adopted within 180 days of the last oral presentation (public hearing), the original notice will be terminated.

The rules have been restructured and changed based on public comments received. Since the original notice must be terminated and there have been significant changes from the original proposal, the Commission is asked to approve these rules being filed again for Notice of Intended Action to allow for public comment. Six public hearings will be held at the same locations as were held for the prior notice.

(A copy of the Notices of Intended Action and Emergency Rule is on file in the department's Records Center)

Mr. Stokes stated that the Technical Advisory Committee (TAC) worked very hard on development of these rules. He noted that the rules have been substantially changed from the version that went out to Notice, adding that the 180 day clock has run out the original set of rules. He related that staff are asking for termination of the original set of rules, to adopt the rules being presented today as emergency rules, and to approve taking the emergency rules out to public hearing. Mr. Stokes stated that the rules represent a joint work product of the TAC and the DNR staff. He noted that there are some items in the rule that a member of TAC may disagree with individually, but the rules were passed by a majority vote of the TAC members. Mr. Stokes indicated that the responsiveness summary has not been reviewed by the TAC because of time restraints and should be considered a DNR response.

Mr. Stokes explained the following changes (in italics) to be noted in the rule:

Preamble page - Adopted and Filed Emergency second last sentence should be corrected to read: "The TAC *and the department* submitted its *joint* report to the Commission at its June 17, 1996 public meeting.

Page 23 - under 135.10(2)f (2) end of sentence should say "using the criteria in "f"(1) and "f"(2) above.

Page 29 - 4th paragraph should read: "(1) Groundwater in Nongranular Bedrock. Exit monitoring requires that samples from all groundwater monitoring wells must not exceed the applicable target levels for *annual sampling for* three consecutive years."

Page 29 - 5th paragraph should read: (2) Granular Aquifer. Exit monitoring must be met in two ways: (a) a monitoring well between the source and the receptor must not exceed applicable target levels for three *sampling events*; (remainder of sentence is not changed)

Page 46 - last paragraph - should read: b. Modification or Termination of Institutional and Technological Controls. At a point when the department *determines that* an institutional or technological control has been removed (remainder of sentence is not changed)

Page 57 - under parenthesis (3) should be changed to read: (3) For sites with free product *gasoline range constituents*, the *default values* in groundwater are 17,500 ug/l benzene, 3,040 ug/l for ethylbenzene, 37,450 ug/l for toluene and 15,840 ug/l for xylene. *For sites with free produce consisting of diesel range constituents the default values are* 370 ug/l benzene, 640 ug/l toluene, 140 ug/l ethylbenzene, 580 ug/l xylene, and 260 ug/l naphthalene or 130,000 ug/l TEH.

Mr. Stokes asked the Commission to approve incorporation of those changes into the rule. He stated that he will present educational sessions on these rules at the Commission meetings for the next two to three months.

Scott Young

Scott Young, UST-TAC Committee, addressed the Commission reviewing the Joint Committee Report. He concurred with Mr. Stokes that everyone put a lot of work into development of the rules and no individual from TAC or DNR was completely satisfied with all the decisions in the rules. Mr. Young noted that no other state has a detailed set of rules this far advanced. He related that the rules will need revisions in the coming year as everything goes into effect. He asked the Commission to pay particular attention to the recommendations in the Joint Committee Report as they are things that both the department and the committee believe will relate to successful implementation of RBCA in Iowa.

Discussion followed regarding the responsiveness summary - differing opinions and consensus; effective date of the rule on 8/15/96; other states with RBCA training/rules; and using only one standard of measure in the rules.

Motion was made by Kathryn Draeger to approve Termination of Prior Notice of Intended Action, Emergency Rule Adoption and New Notice of Intended Action--Chapter 135, RBCA Rules. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED WITH SUGGESTED CHANGES
INCORPORATED

UHL CONTRACT AMENDMENT - ASSESSMENT OF NONPOINT SOURCE POLLUTION IMPACTS USING BIOASSESSMENT TECHNIQUES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the Lab Certification Agreement with the University of Iowa's Hygienic Laboratory (UHL) for determining qualifications of laboratories requesting certification to practice the analysis of drinking water or water and soil samples for compliance with the Underground Storage Tank (UST) program or for the analysis of wastewater samples for the Wastewater Program.

The total amount of the agreement is estimated at \$89,935. Attached is a summary of the projected costs broken down by program area. The agreement amount reflects UHL's best estimate of their actual costs plus the University of Iowa's indirect cost rate. The agreement will be supported by fees from the laboratories being certified. Under Iowa Code §455B.103, the Department is required to contract with the UHL for these services unless the required services cannot be provided by the UHL.

9.1 Quarterly Payments

The following schedule covers the agreement amounts paid quarterly from Section 3.4 C for completed work for Section 3.3.

AGREEMENT AMOUNTS PAID QUARTERLY

<u>BILL</u> <u>RECEIVED BY</u>	<u>Water Supply</u> <u>Laboratory</u> <u>Certification</u> <u>COST</u>	<u>Underground Storage</u> <u>Tank Laboratory</u> <u>Certification</u> <u>COST</u>	<u>NPDES</u> <u>Laboratory</u> <u>Certification</u> <u>COST *</u>	<u>Clerical</u> <u>Assistance</u> <u>COST</u>
October 15, 1996	\$ 3,125	\$ 0	\$ 0	\$9,983.75
January 15, 1997	\$ 3,125	\$ 0	\$ 12,500	\$9,983.75
April 15, 1997	\$ 3,125	\$ 0	\$ 12,500	\$9,983.75
July 15, 1997	\$ 3,125	\$ 0	\$ 12,500	\$9,983.75
Fixed Agreement Amount Subtotals	\$ 12,500	\$ 0	\$ 50,000	\$39,935

TOTAL FIXED AGREEMENT AMOUNT \$89,935

* The rules for activation of this section have not been finalized. This section is on hold till further notification from the Department. DNR will notify UHL by letter of the effective date for this section. If DNR fails to get approval for the rules this section will not be performed.

9.2 Amounts paid on a fixed price

Agreement amounts paid on a fixed price per product basis will be paid for on an as used basis. Amount paid will be based on an itemized invoice based on the calculation contained in Article 3.4.

A. Potential Additional Water Supply Laboratory Certification Fees

Amounts to be Billed Prior to July 15, 1997

Potential Additional Fee for Water Supply Laboratory Certification repeat visits = \$300 x Number of repeat visits.

Additional Visit Fees

Potential Additional Fee for additional performance evaluation samples for Water Supply Laboratory Certification = Up to \$100 per performance evaluation sample.

Additional Performance Evaluation Fees

Potential Additional Fee if more than 25 labs are examined = (Total labs - 500) x \$500.

Additional Laboratory Fees

B. Potential Additional Underground Storage Tank Laboratory Certification Fees

Amounts to be Billed Prior to July 15, 1997

Potential Additional Fee for Underground Storage Tank Laboratory Certification repeat visits = \$300 x Number of repeat visits.

Additional Visit Fees

Potential Additional Fee if more than 0 labs are examined = (Total labs - 0) x \$550.

Additional Laboratory Fees

C. Potential Additional NPDES Laboratory Certification Fees

The rules for activation of this section have not been finalized. This section on hold till further notification from the Department. DNR will notify UHL by letter of the effective date for this section. If DNR fails to get approval for the rules this section will not be performed.

Amounts to be Billed Prior to July 15, 1997

Potential Additional Fee for NPDES
Laboratory Certification repeat visits = \$300
x Number of repeat visits.

Additional Visit Fees

Potential Additional Fee if more than 75 labs
are examined = (Total labs - 75) x \$500.

Additional Laboratory Fees

Mr. Stokes presented details of the contract.

Verlon Britt asked if there was any particular reason for picking the 35 sites that were chosen.

Mr. Stokes responded that they were chosen for ease in evaluation, where they could zero in on nonpoint sources.

Motion was made by Kathryn Murphy to approve the UHL Contract Amendment for Assessment of Nonpoint Source Pollution Impacts Using Bioassessment Techniques in the amount of \$43,660. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

GENERAL DISCUSSION

Permit Process

Terrance Townsend discussed the construction permit process relating that he thinks the direction it is going is eroding trust in DNR. He cited several instances where applications were sent back for rather trivial information or for having information listed in the wrong area of the application, etc. He related that if changes are being made in the permit process in the future he would like to see it come before the Commission.

Mr. Stokes stated that prior to the formation of the Governor's Task Force the department was working with a group of business and industry interests to study the construction permit application process. He related that the group formed a subcommittee that is looking at the issue of where and when modeling is required as part of the construction permit process. He noted that he has asked for a report from both groups with their recommendations. Mr. Stokes stated that there had been some changes in management and some changes were made in the applications, which was his fault as division manager for not following up. He related that he has told all staff no further changes are to be made until the the task force report and recommendations are submitted. Mr. Stokes noted that some short steps have been taken for immediate improvements but long term improvements will be left for the task force. He related that he will seek Commission approval prior to changes or recommendations actually being made.

Director Wilson stated that there was a misunderstanding on directions given to staff but it has been clarified with staff what needs to be done. He noted that Governor Branstad came to the EPD staff retreat and spent some time with them discussing the Competitive Task Force Report and the department's response. Director Wilson stressed that if a problem develops he needs to hear it by phone or FAX immediately so he can remedy the situation.

Anonymous Complaints

Director Wilson stated that in regard to anonymous complaints the department will continue the practice of handling those as Al Stokes outlined earlier. He related that if it is a real serious problem it will be treated differently than some anonymous calls that are received.

Mr. Stokes stated that under the current mode staff are instructed that if they feel, based on the nature of what is being complained about, the need to go out on inspection they are to go first to the foundation of the complaint and if nothing is found the investigation is terminated.

DNR Ad Hoc Committees

Director Wilson suggested putting together ad hoc committees within the Commission to look at particular types of issues that are coming before the Commission. He asked the Commissioners to let him know if they would be interested in working on such a committee along with some staff members.

Terrance Townsend commented that he feels it would be helpful for the Commission to be involved.

Administrative Penalty Collection

Director Wilson referred back to the Monthly Reports and the Administrative Penalty report in particular, noting that some of the penalties go back to 1992-93-94 and the department now has the opportunity to go after those penalties. He related that the department is probably going to become a little more aggressive on collecting those penalties, and he would like to know the Commission's wishes in this matter.

Terrance Townsend and Charlotte Mohr indicated that it would be a good idea to pursue the collections.

Odor Complaint

Kathryn Draeger stated that she has received a number of calls complaining of the odor at a compost pile at the Des Moines Metro Landfill and she understands they were not in compliance with their water collection from the compost.

Mr. Stokes stated that the department received a similar complaint last week and staff have gone out to check on it but he has not received a report yet. He related that he will share results of the investigation to the Commission at their July meeting.

NEXT MEETING DATES

July 15, 1996

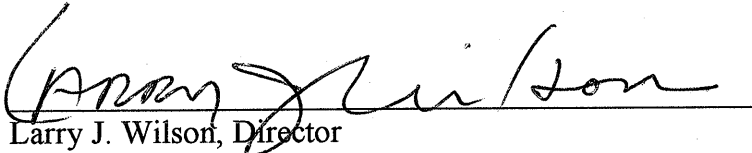
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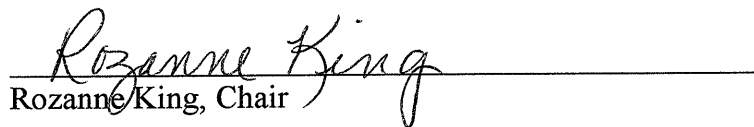
September 16, 1996

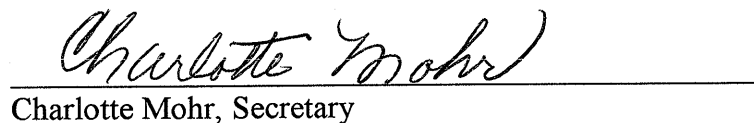
ADJOURNMENT

Rozanne King thanked Charlotte Mohr for her work in organizing the meeting facilities, lunch, and tour today.

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 3:10 p.m., Monday, June 17, 1996.


Larry J. Wilson, Director


Rozanne King, Chair


Charlotte Mohr, Secretary

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